I have only to consider whether this motion comes within the definition of an adjournment motion and I think it does. Now I leave it to the House to decide whether it will grant leave to the Honourable member to move this adjournment motion. Does any member object to it?

RAO BAHADUR DR. N. KUNJAN PILLAI (*Chief Secretary to Government*): I object.

PRESIDENT: Those Honourable members who are in favour of the adjournment motion being discussed may please stand in their places.

The required number of members in favour of the adjournment motion having stood up, it will be taken up for discussion on Saturday afternoon.

In respect of the other adjournment motions, further orders will be passed tomorrow, as only one adjournment motion can be admitted at a time.

ANNOUNCEMENT RE THE 3½ % TRAVANCORE GOVERNMENT LOAN.

PRESIDENT: Before we proceed to the Legislative business of the House, I think Honourable members of the House will be delighted to hear of the great success which the Travancore loan has made (*Applause*). Perhaps Honourable members are aware of the fact that Travancore entered into the money market perhaps for the first time for a loan of Rs. 50 lakhs to finance its remunerative schemes. Until the result of the loan was announced, we had no idea definitely, at any rate, that the credit of the country was as high as it appears to be, for you will be glad to know that not less than Rs. 2½ crores has been subscribed for a loan of Rs. 50 lakhs. This means the loan has been over-subscribed five times. It is a matter, therefore, over which we, Travancoreans, might congratulate ourselves on the high credit which Travancore enjoys in the money market of India.

Now we will proceed to the Legislative business.

LEGISLATIVE BUSINESS.

THE TRAVANCORE AGRICULTURISTS' RELIEF BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to present the Report of the Select Committee o

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[Mr. Kayalam Parameswaran Pillai.]

the Travancore Agriculturists' Relief Bill and beg to move that the Bill as reported be taken into consideration.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I second it.

PRESIDENT: Moved and seconded that the report of the Select Committee on the Travancore Agriculturists' Relief Bill be taken up for consideration. Mr. Krishna Menon.

MR. K. P. KRISHNA MENON (*Parur*): I oppose it. I have already sent in an amendment to drop the whole Bill.

PRESIDENT: That is why you have been given an opportunity to oppose this motion and suggest that the Bill be dropped. If the House gives its sanction for the consideration of the Bill, then your amendment cannot be discussed.

MR. K. P. KRISHNA MENON (*Parur*): May I talk in Malayalam?

PRESIDENT: Permission is given to talk in Malayalam only if the member cannot express his views in English. Experience of the Chair has been that the member claims a fair knowledge of English and therefore you try your best to speak as well as you can.

MR. K. P. KRISHNA MENON (*Parur*): Sir, I move that the whole Bill be dropped. The Bill, both in its original shape as well as in its present condition as revised by the Select Committee, is in my opinion highly unsatisfactory, full of defects and incapable of producing the desired effect. It is unsatisfactory because, as a measure intended to alleviate the distress of the debt-ridden agriculturist, it is but a half-measure; and the authors of the Bill in their anxiety to get some legislative enactment placed on the Statute Book have ignored the real implications of the Bill and the disastrous consequences following therefrom. I doubt very much whether the Bill in its present form will confer, upon the really suffering agriculturist, any substantial benefit. Unless the Government is prepared to come to the rescue of the debtors by advancing money from its coffers to meet the demands of the debtor as adjusted by the proposed Conciliation Boards, no substantial benefit can possibly be secured. So long as the Government is not prepared to embark upon such a course of conduct, any attempted legislation on the subject can but be a half-measure of doubtful success. The scope and the frame of the legislation have totally ignored the rights and conditions of the creditor. The Government by the proposed legislation is seeking to give the go-by to the sanctity of private contract. That is a dangerous step.

MR. P. C. KURIYAN (*Kottayam I*): Sir, a point of order. Is the honourable member allowed to read a written speech?

PRESIDENT: We have not heard him fully. Let us see what he is going to develop from that.

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MR. K. P. KRISHNA MENON (*Parur*): Sir, socialistic principles unless adopted and applied in toto cannot be a panacea for any social evil. If the Government in its anxiety to relieve the debtor were to sacrifice the honest creditors, it cannot but be extremely unfortunate. The passing of this legislation, I am tempted to think, will sound the death-knell of credit transactions in future.

MR. C. V. CHANDRASEKHARAN (*Ag. Director of Public Instruction*): Is the honourable member allowed to read his speech?

PRESIDENT: Perhaps his only justification is that he has a sort of handicap in not having been permitted to speak in Malayalam. Some kind friend of his has prepared a speech in English which he will read at present. Manuscript eloquence is not generally allowed.

MR. K. P. KRISHNA MENON (*Parur*): Sir, the influence on the future economic life—

PRESIDENT: I have a complaint against the honourable member. Nobody can hear you—no doubt that is an advantage—but still one's speech should be heard. (*Laughter*).

MR. K. P. KRISHNA MENON (*Parur*): Sir, the influence of such a legislation on the future economic life of the country will be, to say the least, disastrous. The distinction sought to be maintained between a private creditor and the Government as creditor is unfair in principle and fundamentally wrong. I fail to understand why any such preferential treatment should be meted out to the Sirkar.

The Bill is full of defects. The definition of the word 'agriculturist' is extremely vague. It is so very indefinite that all persons can be brought within its ambit. I take it that the object of the Legislature is to afford relief to agriculturists who have fallen on evil days on account of the fall in the price of agricultural products. The present definition would bring under it every person in our State. Even a sometime rich trader who has suddenly become bankrupt by losing heavily in his speculations will be entitled to claim the benefit of this enactment, if he happens to own an inch of land. The same remark can be made as regards the definition of the word 'debt' also. The proposed Conciliation Board is not a Board. It is a Conciliation Office and I think that it will be another Munsiff's Court.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*): May I know whether the honourable member is prepared to accept the Bill if suitable amendments are made?

PRESIDENT: But he does not want the whole Bill.

MR. K. P. KRISHNA MENON (*Parur*): Sir, the proposed Conciliation Board, unless armed with further powers in the matter of securing the consent of the parties, is bound to be a failure. From its very nature and constitution, the proposed Conciliation Boards cannot and will not work properly or satisfactorily.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether the member is of opinion that the agriculturists deserve anything at all?

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MR. K. P. KRISHNA MENON (*Parur*): I am of opinion that there must be a Bill for all the debtors. There should be no distinction between a debtor who is an agriculturist and any other debtor. Not only in Travancore but in the whole of Malabar, commerce, industry and agriculture go side by side. An agriculturist is also a trader. A trader is also an agriculturist. Therefore if at all there should be a Bill, it should be applicable to all kinds of debtors. In our State, rubber and tea are considered as industries. No assessment, except land tax, is levied on those industrial products, whereas assessment is levied for paddy, cocoanut, jackwood and similar products. No assessment was fixed for rubber and tea because they were considered as industries. Now, tea and rubber are considered as agricultural products and the trader who advances money does not get the benefit of the Bill. A rich landlord who buys goods of a poor shop-keeper on credit is to get the benefit of the enactment.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum—Urban*): A point of order.

PRESIDENT: He is in his vehemence.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): I am sorry to interrupt him, but the point is important. This House has affirmed the principle of the Bill that relief should be given to the agriculturists. That principle this House cannot take objection to.

MR. K. P. KRISHNA MENON (*Parur*): That is the reason why I propose that the whole Bill should be dropped. I never said anything about the other points.

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): Whatever may be Mr Krishna Menon's other reasons, the reason that other people also should get the benefit of this law should not be considered as a ground for objection to this Bill inasmuch as the principle of the Bill has been accepted.

MR. K. P. KRISHNA MENON (*Parur*): If at all Government enact a law, it should be for all classes of debtors in the State.

PRESIDENT: Is the honourable member relieving the Chair of its responsibility to answer the point of order? (*Laughter.*)

I quite appreciate the point of order that has been raised by Mr. Velu Pillai. It is true that the House as a whole has given its assent to the general principles of the Bill. Well, now Mr. Krishna Menon gets up and says that so far as the Bill is framed or amended by the Select Committee, it has not gone far enough and because it has not gone far enough, rather than have a half loaf, it is better to have no loaf at all.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): May I know whether a member of this House has not got the privilege of opposing the Bill at all its stages?

PRESIDENT: Of course, even at the third reading.

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MR. K. P. KRISHNA MENON (*Parur*): As observed by Mr. K. Padmanabhan, the honourable member for Chirayinkil, in his dessenting minute, Part II of the Bill has to be thoroughly recast or better dropped. As regards Parts III to V, the Bill is less objectionable, so far as I am concerned. I shall have no objection if the Government bring in legislation regarding future interest. From the speech of the President himself, we see that there is money in the country and that it is on account of the present uncertain state of things that money is not forthcoming. Sir, there is credit in the country. When loans were called in respect of Rs. 50 lakhs, people have come forward with 2½ crores of rupees. So people have got money and there is no justification in saying that there is no money in the country.

PRESIDENT: A very unhappy announcement that I made!

MR. K. P. KRISHNA MENON (*Parur*): Sir, Part VI of the Bill can in no way be justified. It is idle to seek out the underlying or hidden motives of the parties to a transaction when they are apparent on the very face of the instruments themselves,

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum—Urban*): Sir, I wish to speak a few words against the motion. At the present stage, the House is concerned with the question whether the report of the Select Committee should be taken into consideration. There may be defects. I may say that there is no law passed in any part of the world without having to confront some difficulty or other. I feel it my duty as Chairman of the Select Committee that I should place a few facts before this House which I legitimately can. All that which occurred in the Select Committee, I do not propose to place before the House. There is this outstanding fact, Sir, that the Select Committee considered along with kindred questions and the kindred papers the valuable report of the Agricultural Debt Redemption Committee. Various aspects bearing on the subject, questions of law, matters of fact, history, and economics, have been threshed out. I can quite sympathise with my friend Mr. Krishna Menon when he said that the trader and others like him stand as much in need of help as the agriculturist. I am only sorry that the Bill being one to relieve agricultural indebtedness the House can not entertain such questions now. Sir, in every country agriculture is considered the most important occuption, for, as everybody knows, it gives raw materials for industry besides giving food.

MR. K. P. KRISHNA MENON (*Parur*): May I know whether agriculture alone develops the country?

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum—Urban*): I did not say that. In my previous sentence I said that every other debtor also stands in need of help. My friend knows that ever since the time of Adam Smith, the three agencies of production are land, labour and capital. One can never forget the fundamental principles which he has learned in the early years. But all these are wide of the mark because the House has committed itself to the principle that the agriculturist should be relieved.

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[Sadasya Tilakan T. K. Velu Pillai]

Agriculturists are helped in every country and quite legitimately. Sir, for what is the State without land if it has no legal habitation and a name. If the people have no food to eat, life will not be possible. That is the reason why even in the most advanced countries of the West, not with standingall industrial success, and industrial organisations the State developed a tendency to bestow more attention upon the home produce of raw materials, food and other things. So if Travancore falls into line along with other countries and thinks of giving some relief to the agriculturists, I think it is only legitimate that this Bill be considered. I do not propose to travel over the materials of history but I may just mention to this House that. even at the time of the Permanent Settlement in 1793 when Lord Cornwallis was the Governor-General, agricultural aristocracy was considered to be an essential part of Government, for its stability rested upon landed wealth. I quite concede that in Travancore there are no Zemindars as in Bengal. But agriculture stabilises all Governments and unless the agriculturist is helped, the Government will not be able to function. That is the particular reason why, in all countries, agriculturists are treated differently from others. To say that this Bill should be dropped, is a proposition which I trust will not commend itself to this House. Whatever defects there may be in this Bill may be rectified here during its progress here. As a matter of fact a very large number of amendments have been sent up, and this House has the opportunity to consider all of them carefully. Therefore, the argument that, because there are some defects in the Bill, it should be dropped, should certainly not appeal to this House. It should not carry any weight.

Sir, something was said about the institution of private property and its sacredness, and also about the sanctity of contractual obligations. Sir, no doubt these are sacred institutions; and the law must protect them in normal times. But if this House finds that there has been serious trouble, distress or penury among the agriculturists, there is no reason why it should allow the law to extort the pound of flesh irrespective of the extraordinary suffering and distress of the agricultural debtor. That is a proposition which cannot be accepted. Sir law is for society; society is not intended for the law. Therefore, if there is an extraordinary situation, be it due to natural or to artificial causes—and now it is entirely due to natural causes, because we find depression throughout the world, in every British Indian Province and in every Indian State—certainly we are bound to think of extraordinary remedies. I cannot understand the argument that the institution of property is sacred and therefore it should be kept sacrosanct and inviolable under all conditions. (Mr. K. Kunjukrishna Pillai: *Hear, Hear.*) Certainly, under normal conditions, contractual obligations and the institution of property must be respected. But, if there is war, if there is famine, if there is an act of God, I cannot see how the people can get on without extraordinary remedies which may interfere in some measure even with the sanctity of contractual obligations and of private property.

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MR. K. P. KRISHNA MENON (*Parur*): May I ask whether the debtors in the country are rich landlords or middle class men?

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): I am now talking about the sanctity of contractual obligations and not about debtors. When I speak about debtors, my friend may put the questions, and I shall answer them if I am so inclined then.

Going back to the argument which I was developing, Sir, I am glad to be able to say that conditions in our country are not so bad that the institution of private property should be abolished; and let us hope that such time will never come in Travancore. But the time has now come when relief has to be given to certain classes of people of whom the most important are the agriculturists. Even in western countries, Sir, with their reputation for civilisation, in times of war, and under extraordinary conditions like that, innocent men, even timid young men who are unwilling to fight are caught hold of by the Government and compelled to fight for their country risking their lives. There is the law of conscription in such times. Similarly, this is a time when we have to think of extraordinary measures. After all, Sir, the Bill does not contemplate doing away with the institution of private property. It cannot certainly be said that the slight change in the present law in regard to private property contemplated in the Bill will amount to socialism. The real question is how, under present conditions, the greatest number will get the greatest good. It is inevitable under these extraordinary conditions that some individuals may suffer while some others may gain a bit more than the law gives them at present. Sir, such things are incidental to life in all societies. There is no provision in this Bill which says that the sanctity of contract should be disturbed materially or that the creditor must lose his money. Sir, it is more difficult to save money than to earn it. If, therefore, earning is tabooed, if earning is prohibited by the Legislature, it will be very unfortunate. This Bill does not do that. It makes a sensible compromise, a reasonable compromise, I should say, a fair compromise. It only says that the rate of interest may be reduced by the Conciliation Board. This Bill empowers the board also to reduce the principal if it finds that the creditor has been unconscionable in his dealings. Such cases are going to be very rare exceptions. No doubt, we are giving the board some discretion. Some observations were made as to the constitution of those boards, namely, that each board must have three members, and that all of them must be non-officials. All that does not arise in the motion When you are prepared to trust the board with powers you do expect them to be fair and to take into consideration all aspects of each case, the legal aspect, the rights of the parties and such other points. If, in a particular case, it is found that the creditor has been intent upon ruining the debtor who is an agriculturist, does my friend say that no special power should be given to the board to interfere?

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[Sadasya Tilakan T. K. Velu Pillai.]

A close study of the Bill will show that the Select Committee has dealt with the matter in a spirit of extraordinary fairness. More fairness is impossible under the present circumstances. We studied the law on this subject in various countries. We gave very anxious consideration to the question ; and the attention we bestowed on it has resulted in the modifications that we have made in the original Bill ; and such modifications are not many. And, as I have already pointed out, the defects, if any, can be modified by us now and in the subsequent stages of the Bill. Sir, much work has been done in this matter. We have had great assistance from the Government who have even summoned a special session for this purpose. Under these circumstances, if without ceremony, we are going to throw out this Bill, I cannot see, Sir, what this House or for that matter any other Legislature in any other part of the world can at any time achieve. There are members here who have studied the question during the last so many months. The wisdom of such members is now available to this House. Considerable work has been done in giving the Bill its present shape. I would therefore appeal to the House to make up its mind to go ahead with the consideration of the Bill as amended by the Select Committee. I can assure my friend Mr. Krishna Menon that I do not oppose any of the ideas which he has given expression to in the course of his argument on the merits. My only point is that the Bill should not be dropped, nor even delayed ; for the agriculturists are groaning under great difficulties. Even the creditors are not in any enviable position. They must know when they will get their money, and how much of it.

For these reasons, I appeal to the House to make up its mind to proceed with the Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I am sure that I am not expected today to explain in detail the general principles of the Bill which I did at very great length when I introduced the Bill. Perhaps every member has also read over the speeches that were made on that occasion when the principles of the Bill were affirmed by the House. Sir, the Bill was referred to an unusually large Select Committee consisting of about 23 or 24 members and that is, it will be noted, about a third of the total strength of this House. The principles of the Bill have been substantially accepted by this Committee also. The Bill, as it is has, therefore, the support of the Select Committee also, or to be more accurate, the majority of the members of the Select Committee. Therefore, it seems to me that it is unnecessary for me to attempt to justify the principles of the Bill at this stage. I may perhaps add that any objection that Mr. Krishna Menon may have in regard to any of the provisions of the Bill may be pressed and corrected if necessary by proper amendments. It seems to me, therefore, that the wholesale objection now raised against the Bill cannot stand. I would therefore appeal to the House to decide to proceed with the consideration of the Bill.

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MR. K. P. KRISHNA MENON (*Parur*): I have already stated what I have to say on my amendment that the Bill be dropped. I may say that even when I moved my amendment I did not hope that it would be accepted by the House.

PRESIDENT: Then, you have wasted the time of the House.

MR. K. P. KRISHNA MENON (*Parur*): My main point is that there is absolutely no justification for the Legislature showing any invidious distinction even among the debtors. In these days of depression, all debtors need relief. In such circumstances, why should we discriminate between debtors who are agriculturists and other debtors, and give a special treatment to the agriculturists alone? If an agriculturist promises to supply cocoanuts to a trader and receives advance of a thousand rupees and does not supply the cocoanuts, this Bill does not supply the cocoanuts, this Bill does not help the trader to get back the thousand rupees from the agriculturist. On the other hand, if the trader had received advance from the agriculturist, this Bill helps the agriculturist to recover the money from the trader. What I submit is that there is no justification for this kind of discrimination.

In regard to the last Clause about usufructuary mortgage, the provision in the Bill is sure to lead to complications and to unnecessary litigation, since it is very difficult to let in the kind of evidence needed.

As regards conciliation, the Bill now contemplates only the appointment of Conciliation Officers. Sir, for the whole State, we may require about 30 or 40 such officers; and the cost will be enormous. Further, these officers will often be misled by their clerks; and there will be room for corruption. Is it not better to direct the Courts in the country to expedite the disposal of cases pending before them? In Munsiffs' Courts, there are many cases which have been pending for the last 12 or 15 years. Instead of appointing 30 or 40 Conciliation Officers and incurring enormous expenditure and giving room for corruption, I think it is better to direct the Courts to dispose of cases more expeditiously than at present.

Sir, I stand on my own legs, and press my amendment to a division.

PRESIDENT: Nobody is going to lend you legs. (*Laughter*)

The amendment to drop the Bill was put to vote and declared lost.

PRESIDENT: So, the original motion that the report of the Select Committee be taken into consideration will now be voted upon.

The question was put and the motion was carried.

Clause 1.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Sir, before formally moving the amendment, I request the Chair to grant me permission to add the word 'Relief' between the words 'Indebtedness' and 'Regulation' in the amendment which I have tabled.

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PRESIDENT: I suppose your aim could have been achieved only if your amendment was to add 'Relief' after 'Indebtedness'. I suppose the Law Member has no objection.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am afraid that I must stand by the Select Committee which accepted this title and I cannot give in to an amendment which does not carry any *substance*.

PRESIDENT: I do not think there is any great difference; however, you just move your original amendment and, if you succeed, the Chair will give you permission to add the word 'Relief'.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): I beg to move:—

In Clause 1, sub-clause (a) substitute the words "the Travancore Agriculturists' Indebtedness Regulation" for the words "The Travancore Agriculturists' Relief Regulation".

Sir, owing to the continued and abnormal fall in the money value of agricultural products since 1105, the Government have, after all, recognised that an attempt should be made to devise some special measures to give relief to the agriculturists. And accordingly this Bill is framed, to borrow the words of the Law Member himself, to give such relief in some directions. Also, in the preamble it is stated:—

> "Whereas it is expedient to make certain provisions in relief of agricultural indebtedness; It is hereby enacted as follows:"

So it is perfectly clear that the scope of the Bill as it is, is limited to an attempt to give relief to the *indebtedness* of the agriculturists. Conceding for argument's sake that this Bill would facilitate relief to the agriculturists, why should we give such a comprehensive title to this Bill when the scope of it is so limited? Sir, without any arrangement for agricultural finance, I think that the establishment of a number of Conciliation Boards will not be of any avail. The problem is not exactly to reduce the debt of the agriculturists, but to see that they do not run into debts in future. But, in the Bill there is not even a gesture of an indication to show any policy on the part of the Government to help the agriculturist class as a whole. Here what the Government are doing is that they are so generous at the expense of others—I mean the debtors and the creditors, who stand to lose. The Government stand safely aloof and advise the impoverished debtor as well as the callous creditor to conciliate. So what I submit is that, in the absence of any provision giving real and substantial relief to the agriculturist class as a whole, it is not at all fair or reasonable to put any such comprehensive title to this Bill the scope of which is limited to such a narrow extent. Further, it is to a considerable extent misleading also. I think that the title "The Agriculturists' Relief Regulation" does necessarily connote the existence of certain provisions for the amelioration of the condition of the agriculturists in various directions, not in the direction of indebtedness alone. But this Bill, as it is, is confined to a particular sort of relief. So I submit that this Bill, the scope of which is very narrow and limited, should not be given a title which is so comprehensive.

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SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): May I know whether Mr. Krishna Pillai has any objection to have the word 'relief' also included in his amendment?

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): No; I sought the permission of the Chair to add that word also.

MR. K. P. KRISHNA MENON (*Parur*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I am very unwilling to take up the time of the House in supporting the short title as it appears in the Bill or in opposing the short title now proposed by Mr. Krishna Pillai. As regards his arguments, it must be conceded by every body that the Bill is designed to give relief to the agriculturists and therefore it must follow that the title "Agriculturists' Relief Regulation" is proper.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Is it not limited to the relief of the agriculturists' *indebtedness alone*?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Even so, it cannot be denied that the Bill is in relief of the agriculturists. Perhaps I may say also that there are certain provisions in the Bill which cannot be taken as intended merely to relieve the indebtedness of the agriculturists. There are, it may be pointed out, certain provisions in the Bill which operate as an amendment to the Civil Procedure Code in regard to the arrest of the judgment-debtor for the realisation of decree debts.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I draw the member's attention to the preamble where it is stated—"provisions in relief of agricultural indebtedness"?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes. Nonetheless, the provisions of the Bill cannot be said to be quite restricted to that preamble. The amendment of the Civil Procedure Code too may perhaps be considered in a sense to be a relief of agricultural *indebtedness*. Nonetheless, a different view may be taken that it is not quite in relief of indebtedness, being only a provision to modify one of the methods by which a debtor is compelled to pay the creditor.

My real reason in opposing the amendment is, however, that I am bound to stand by the Committee and I am not at all prepared to go back upon what the Committee has accepted, in matters of pure form and where nothing substantial is intended to be achieved.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I oppose the amendment. My reason for doing so is not that the scope of the Bill is restricted to the relief of agricultural indebtedness but that it is the other way. By giving that title we only mean that only some relief is given in some way to the agriculturist. I do not think that the change of the title to "Agriculturists' Indebtedness Relief Bill" will make the Bill in any way a better one. I do not at all believe that this Bill is conducive

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[Mr. K. R. Elenkath.]

for relieving the agriculturist of his indebtedness. Sir, indebtedness is a factor which has got to be relieved. But in this Bill we find no provision as regards the relief of the agricultural debtors from their present indebtedness but only with regard to future indebtedness. With regard to the reduction of interest also, the Bill affects only the interest from the date the Bill comes into effect. So I should think that this title, which to Mr. Krishna Pillai seems to be more comprehensive, strikes me as one which only signifies that this Bill is intended to afford only some sort of relief to the agriculturists. On that point I urge that the original title be retained and the amendment be rejected.

MR. T. KRISHNA PILLAI (*Neyyattinkara II*): Sir, I am glad to hear from the Law Member that he has personally no objection in accepting my amendment but that his objection is due to his loyalty to the committee. My object in moving this amendment is only to make the title as far as possible true to the provisions of the Bill. To me, Sir, it appears that the title should be as far as possible an epitomised index of the provisions of the Bill. Also I am of opinion that the title of the Bill, as it is, is rather misleading to a considerable extent. I therefore press my amendment.

The amendment was put to vote and declared lost.

The question that Clause 1 do form part of the Bill was then put and the Clause was added to the Bill.

Clause 2.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I beg to move the following amendment:—

In Clause 2, substitute the following for lines 1 to 11 in sub-clause (*a*)—

"*Agriculturist means any person*—

(*i*) *who is an owner or tenant of agricultural land in Travancore*;

(*ii*) *who earns his livelihood mainly by agriculture, though he is not an owner or a tenant of agricultural land*;

(*iii*) *who is a creditor of an agriculturist*; *or*

(*iv*) *who is liable jointly with an agriculturist for any debt of such agriculturist*".

PRESIDENT: Before you proceed further, I would like to know from what point you start. You say 'for lines 1 to 11'. Where does that 11th line stop according to you?

MR. P. C. KURIYAN (*Kottayam I*): It includes the *Explanation* also.

PRESIDENT: Does it end with the *Explanation* or does it also include the *Exception*?

MR. P. C. KURIYAN (*Kottayam I*): No. The *Exception* is left intact.

PRESIDENT: Yes, please proceed.

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MR. P. C. KURIYAN (*Kottayam I*): At the outset I may say that I have excluded the *Exception*. That is to say, I do not mean to bring it within my amendment. Sir, my amendment is practically the same as the Clause contained in the original Bill. Clause (i) of my amendment refers to "owner or tenant of agricultural land in Travancore." The principle underlying this amendment is that which is contained in the principle of this legislation, that is to say, giving relief to the land-owing classes of Travancore. Ever since the depression set in, the land-owners were compelled to part with their property, perhaps for no fault of their own. They were not able to carry on their occupation due to international causes. In the report, "agriculturist" is defined as a person who earns his livelihood mainly by agriculture and also is either an owner or a tenant of agricultural land in Travancore or a servant of such owner or tenant. Sir, the definition of agriculturist is very vague and perhaps the words should never be used in a judicial proceeding. For no standard is given to test a man's income. What percentage of his income should be agricultural so as to call him an agriculturist? The original Bill and the Select Committee Report do not make any reference to this. This will lead to very unpleasant results. For instance, a Government servant, even though he may draw Rs. 200 or Rs. 300, may plead before a court that his income is mainly from agriculture.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): How is that defect proposed to be removed by the amend-ment?

MR. P. C. KURIYAN (*Kottayam I*): When I say that an agriculturist is an owner or a tenant of agricultural land, it is clear. Men who work as coolies are also included. If any man can come forward and say that he is an owner or tenant or a cooly working under a tenant, let him also get relief. So I suppose that the learned Law Member has no objection to accept Clause (i) of my amendment.

MR. K. R. ELENKATH (*Kalkulam I*): May I know whether an officer drawing a salary of Rs. 500 is not entitled to relief according to this definition if he owns ten cents of land?

MR. P. C. KURIYAN (*Kottayam I*): I am for giving relief to all land-owners whether they be Government officers or anybody else. The situation in our country is that every day land is changing hands which has no precedent in our life.

The second part of my amendment has been put in to save any man who unfortunately owns no land. Both in the report of the Select Committee and the original Bill, provision has been made to in-clude a village menial or servant of an owner of land. I cannot under-stand who a village menial is in Travancore. I plead ignorance of that. I cannot understand the anxiety for saving the servant of a tenant or owner. The servant's credit is his capacity to serve which has not been affected by the economic depression. Moreover, if the master is allowed to improve his condition, certainly the servant also can improve his condition. Neither the Debt Redemption Committee's Report nor any other report refers to the indebtedness of servants.

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MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): May I know whether he has any objection to allow the servants also to escape?

MR. P. C. KURIYAN (*Kottayam I*): I have absolutely no objection.

Then I come to part (iv) of my amendment. I will come to part (iii) later. The Select Committee has very wisely included the provision that those people who are not themselves agriculturists but by some sort of association or other had linked their fate with some transaction with an agriculturist should also get relief if the agriculturist is relieved. It is only commonsense and natural justice that if A is allowed to enter into a transaction with B and C and if A is allowed to escape, it is not proper that poor B and C should share the whole burden. So the Select Committee has conceded the principle that the people who are not themselves agriculturists but who have linked themselves with agriculturists are also entitled to relief. But the Select Committee has ignored the surety. I do not see what sin the surety has committed. As far as I know, in all these documents two persons have to stand as surety. The principal may own large estates of land and his position may be quite safe, but in the interest of a technical form insisted on by some money-lending people he has also to give the names of two sureties. But the poor surety who lends his name relying on the strength of the soundness of the agriculturist is left out while the agriculturist is given relief. That is unfair.

MR. K. P. KRISHNA MENON (*Parur*): May I know whether he wants to include secured debts or unsecured debts?

MR. P. C. KURIYAN (*Kottayam I*): Both.

Then I come to part (iii) of my amendment. That refers to the much maligned creditor. I am not enamoured of the creditor. But there are some honest and conscientious people who have advanced large sums of money to agriculturists and who have not received any pie during all these years of depression and have not persecuted them in any way, believing fully that the agriculturists will be able to pay their debts soon. As an illustration, suppose A has given out Rs. 10,000 to B, an agriculturist; B is not able to pay anything. According to this Bill, B is given time, and interest will be cut down. A will have no means of getting the money. All those who have gone helped him should also be relieved. That is my view. The only fault and committed by the creditor is that he has lent money to the agriculturist. I think the original explanation covers many of the points I have mentioned in my amendment. I request the House to accept the amendment.

MR. K. M. KURIAKOSE (*Muvattupuzha II*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose this amendment. The Bill is designed to give relief to the agriculturists. For that purpose, we want a definition of the term, "agriculturist"; that is to say, we must define who the persons are that should be treated as agriculturists for the purpose of this legislation. We all know that some persons would clearly be

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treated as agriculturists and that some persons would not be even without any definition. For instance, a banker or a high Government official may have some land; but clearly he would not be treated as an agriculturist. Again a village menial of Agastisvaram or Shencotta would be treated as an agriculturist clearly. Whenever we frame a definition, we must try so to frame it as to include in it a person who is clearly an agriculturist and to exclude everybody who clearly is not an agriculturist. There may be a border-land between the two, and any definition which will narrow that border-land as much as possible would be preferred; but a definition which will exclude any person who clearly is an agriculturist and which will include persons who clearly are not agriculturists can never be accepted

It seems to me that the definition proposed by Mr. Kuriyan has all these defects. First of all, it includes persons who clearly are not agriculturists. In Clause (i) of his definition, he says "agriculturist means any person who is an owner or a tenant of agricultural land in Travancore." That means that any person who may have but a square inch of land, even though he may be a high Government official, will still be an agriculturist. Equally, a trader or a banker who may have a homestead or a house, although all his income may be from trade or banking, will still be an agriculturist, because he has a small piece of land. It is clear therefore that persons who would not clearly be treated as agriculturists are sought to be brought within the definition of "agriculturist" which I trust the House will never accept. Again Mr. Kuriyan's amendment would exclude a village menial who does work connected with agriculture. Such village menials should be treated clearly as agriculturists and yet would be excluded.

MR. P. C. KURIYAN (*Kottayam I*): I have included village menial as an agriculturist.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): But Mr. Kuriyan deliberately omits village menials who earn their livelihood by work connected with agriculture.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Town menials of Trivandrum for instance put up *kayala* walls or do work in gardens. May I know in what class they come? Are they village menials or town menials?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): If they are town menials, they are not agriculturists.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know whether there is any particular emphasis attached to the expression "village menial" or whether it is intended mainly for agricultural purposes?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): In the village economy, there will be not merely persons who do agriculture but also certain menials such as blacksmiths, carpenters, etc, who do work connected with agriculture. The term village menial would be easily understood by all. If there is any alternative term which will convey the idea more clearly, then I can accept that, but

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[Mr. Kayalam Paramesvaran Pillai.]

not this definition of Mr. Kuriyan. Then again according to the definition, Part (iii), of Mr. Kuriyan, I wonder who will not be an agriculturist in this country. Again Mr. Kuriyan wants an agriculturist to mean a person who is liable jointly with an agriculturist for any debt of such agriculturist. Suppose a Government official stands surety for a debt of ten rupees due by an agriculturist. According to this definition, he will be an agriculturist for all his debts for this mere reason that he stood surety, rather he became jointly liable for a paltry sum of rupees ten. It seems to me, Sir, that the definition thus includes persons who clearly are not agriculturists and excludes some who are really agriculturists. The definition proposed cannot, in the circumstances, be accepted.

MR. P. C. KURIYAN (*Kottayam I*): The Law Member seems to think that this is a move to include all people in Travancore. In the very beginning, I may reply that I do not want to bring all kinds of people within the ambit of this Regulation. Mr. Paramesvaran Pillai said that the definition includes a creditor of an agriculturist. But I may say there are people in Travancore who are neither agriculturists nor village menials. I think a village menial exists only in British India and not in Travancore. Even if persons of that category exist, they can come under my part (ii) definition, *i. e.*, a person who earns his livelihood mainly by agriculture though he is not an owner or a tenant of agricultural land. Again the debts incurred by such a man will be reviewed by the Board to be appointed.

PRESIDENT: The mover of an amendment has no right of reply. Now an opportunity is given to meet the Law Member's point. If the member has anything to say, he can say that very briefly. The Chair cannot allow him to repeat his old arguments.

MR. P. C. KURIYAN (*Kottayam I*): Yes, Sir. The definition of the term "agriculturist" is not comprehensive according to me. Regarding the point, namely, agriculturist means any person who is a creditor of an agriculturist, I have not introduced any new principle there. Such an idea exists in the Bill itself. Those people also are sought to be given relief.

The amendment was put to vote and declared lost.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I beg to move the following amendment ---

"*In Clause 2, sub-clause (a), substitute the words "and includes every person" for the words "a person."*

If this amendment is accepted, the clause will read as follows:

"In this Regulation, unless there is anything repugnant in the subject or context,

(a) "Agriculturist" means and includes every person

(1) who earns his livelihood mainly by agriculture and also is either— - - —

Sir, my object in moving this amendment is mainly to give this clause its correct cast and also to avoid certain absurdities which otherwise exist in the clause. I also submit that I have considerable hesitation in moving this amendment, because, today the debate on this

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Bill commenced with an opening speech, rather an opposition speech from one honourable member,who was the President of the Select Committee entrusted with the charge of reconstructing the original Bill. He said that every attention was paid, every earnest endeavour was made to bring up the Bill in its present form and that he will vehemently oppose any—

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): I wish to offer a word of explanation. I only stated that we have tried to do our best, probably there may be defects.

PRESIDENT: He did not mention your name. He only said "one honourable member."

SADASYA TILAKAN T. K. VELU PILLAI (*Trivandrum-Urban*): He said "one honourable member who was President of the Select Committee." I was the Chairman of the Committee, I never said that I would oppose any such thing.

PRESIDENT: Far from it.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): He expressed that he was the President of the Committee and that everything the Committee could do was done.

PRESIDENT: He also added that the Bill is before the House for proper examination.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): So then, Sir, those who had nothing to do with the Select Committee and its deliberations are at a disadvantage. Even the Law Member said that, but for the fact that this Bill as it stands has been accepted by the Select Committee and recommended to this House, he would have no objection in considering amendments. But inasmuch as the Bill stands with the stamp of authority of the Committee, he said that, without any hesitation, he will oppose any amendment. Whatever that be, Sir, I feel that I am not in a position to put as much enthusiasm in this amendment as I would otherwise do. Nevertheless, I shall only discharge my duty in pointing out an error that appears to me to exist in this section.

The clause says that an agriculturist means (i) a person who earns his livelihood mainly by agriculture etc., (ii) a person who earns his livelihood as a village menial paid in cash or in kind for work connected with agriculture and (iii) a person who is liable etc ?. There is some difference in the provision in respect of this definition between the old Bill and the new Bill. The Select Committee have made an improvement by bringing in one more amongst the class of agriculturists, *viz.* class (iii). We will call it as specie (i), species (ii) and (iii). It will read thus : (i) An agriculturist means a person who earns his livelihood etc. (ii) An agriculturist means a person who earns his livelihood as a village menial paid in cash or in kind for work connected with agriculture. We gasp when we come to the third for we have to read it as (iii) an agriculturist means a person who and every person etc. The third class is tacked on to the second with the words and every person". Each must stand separately and form a separate sub-clause. One man and every man should not be combined together.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, may I explain that Clause (2) sub-clause (ii) should be read as follows :

"Agriculturist means a person who earns his livelihood as a village menial..... for work connected with agriculture."

And then the portion beginning with "and every person etc. . "must be read as being begun in a separate line. That (that is really so) may be seen from the report of the Select Committee. When it is read like this, it will be all right and convey the meaning. If this explanation would satisfy my friend, I would request him to withdraw this amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : My first object in moving the amendment is to give the Clause a proper grammatical position. In the light of what the Law Member has spoken just now, it appears that it would considerably improve the present condition of the clause.

By the introduction of this new clause, we have brought into being a third class of people. An agriculturist means a person (1) who earns his livelihood mainly by agriculture (2) who earns his livelihood as a village menial and (3) who is liable jointly with an agriculturist, the last one being the product of the Select Committee. He may be a trader, he may be a Government servant or he may be any body. If he is to be treated as a third class, then he should form a separate group. Then you will have to put it in continuation of the words occurring in the first line. 'Agriculturist' means a person ; first it begins with "who" and secondly also it begins with "who". In order to fit in with one and two, the third also must commence with "who". Each one deals with a separate class. The first deals with owners of agricultural lands. The second class deals with village menials and other servants attached to genuine agriculturists and the third class with persons who have become liable with agriculturists.

MR. A. THANU PILLAI (*Trivandrum—Rural*) : Does he know that he is an agriculturist only for the purpose of that particular debt ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quison II*) : Yes. Does it mean that there should not be any meaning of the definition of agriculturists and other words? When we are dealing with a separate class of people just as we have done with classes one and two, treat this as a third class and allow it to be read as forming part of the controlling initial Clause, *viz.* "means a person who etc." Even a separate sentence is not quite adequate. If classes one and two can be put under one controlling Clause, why not the third also be put in the same manner. ?

PRESIDENT : It will be convenient if amendments 3 and 11 are put together. That would clarify the position. In your amendment No. 3 you want to include "and includes every person" for the words "a person". In amendment No. 11 you definitely want to delete the words "every person" in line 2 and number the remaining portion as sub-clause, (*i*) (iii).

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I move the first because there are other portions that have to be deleted from Clause (iii)

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I have also said that this should be taken away from sub-clause 2 and that it must be numbered 3. After giving it No 3 there are certain expressions to be deleted. Amendment Nos. 3 and 11 deal with spliting up of this clause and giving its proper heading at the top. Amendment No. 13 deals with the deletion of certain words in the clause t split. My objection relates to the existence of the words " otherwis than as a surety ". That may be dealt with separately. That deal with the merits of the clause. I beg to move amendments Nos. 3 and 11 and submit that the first line in Clause 2 (*a*) may be amended as ' agriculturist ' means and includes every person and the sub-clause 2 as it stands may be split up and No. 3 may be given to the sentenee commencing with " who is liable jointly ..... "

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*) : What about the predicate " shall be deemed " ?

MR. A. THANU PILLAI (*Trivandrum-Rural*) : How will the sentence read then ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : We will have to delete " otherwise than as a surety ", and also a few other words. The amendment as it stands is not in form. Any suitable amendment which the Law Member is willing may be permitted to be brought up.

PRESIDENT : So you have moved amendments Nos. 8 and 11 together.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Yes, Sir.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : I have given notice of an amendment to Clause 2, sub-clause (a), (ii). The defect that is noticed here can be removed without adopting the present amendment before the House and by accepting my amendment. My amendment is —

PRESIDENT : Is the honourable member moving an amendment?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) : I am only stating the grounds.

PRESIDENT : You oppose the amendment? Give your reasons and do no more.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli* II) : Agriculturist means a person under the two categories mentioned in sub-clauses (*a*) (i) and (*a*) (ii) and includes every person referred to in the initial portion of sub-clause (*a*) (ii). Therefore this amendment is out of place. That is my position.

MR. M. SIVATANU PILLAI (*Tovala*) : I wish to speak a few words in support of the amendment. When I listened to the speech, I was really wondering why the honourable member was making his remarks in that uncaring way of the Law Member and the Select Committee. Then I understood that he had a distinct purpose to refer in that way. The words " village menial " is introduced in the revised Bill. From the point of view of the village member that I am, the amendment is easy enough to understand without all the efforts of the mover himself. In all the statutes I have come across a term or definition always beginning with " means and includes ". These two words go

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[Mr. M. Sivatanu Pillai.]

together in the clause relating to Definitions. In definitions ordinarily the words " means and includes " go together. Apart from the point of view of a lawyer, as a person who makes an attempt to clarify the meaning of certain words, this idea strikes me that it is safe to club together the words " means and includes ", as it is found in every Regulation that we come across.

PRESIDENT : The House will now adjourn and meet again at 2 o' clock.

The House adjourned at 1 P. M. and re-assembled at 2 o' clock with the Deputy President in the Chair.

OATH OF OFFICE.

DEPUTY PRESIDENT I am given to understand that Mr. Dhanukoti Pillai, Conservator of Forests, is to take the oath. Of course there is precedent in favour of allowing that. But I trust that in future no business other than that mentioned in the Agenda will have to be transacted. Exceptional cases may however be considered. Mr. Dhanukoti Pillai will now swear.

Mr. R. Dhanukoti Pillai was sworn in.

LEGISLATIVE BUSINESS (*contd.*)

DEPUTY PRESIDENT We are at amendments 3 and 11. Anybody speaking on that ?

MR. R. SAMBASIVA AIYAR (*Kunnitnad II*) : Sir, I oppose the amendment. If we accept the amendment—

MR. M. SIVATANU PILLAI (*Tovala*) : Sir, I was talking on that and had not finished.

DEPUTY PRESIDENT : When I asked whether anybody was speaking, Mr. Sivatanu Pillai could have stood up.

MR M. SIVATANU PILLAI (*Tovala*) : I thought as I was speaking when the House arose, I would be called up to continue.

DEPUTY PRESIDENT: The practice is that a member in possession of the House when it adjourned for lunch should resume his speech as soon as the House reassembled. He need not be separately called.

MR M. SIVATANU PILLAI (*Tovala*) : Sir, I was speaking in support of the amendment, *viz.*, to add the words " and includes " after the word "means "in sub-clause (*a*) of clause 2, which would make the meaning more clear and definite. It is true, Sir, that when a Select Committee was constituted they would endeavour their best to draft the Bill after going minutely into all the points and aspects of the matter. I could very well imagine that the honourable member Mr. Puthupalli Krishna Pillai would very easily concede that however much it may be emphatically asserted that the Select Committee did all they could—

DEPUTY PRESIDENT : All that is irrelevant. Whatever the Select Committee might have done or might not have done does not arise now. If you think the amendment is necessary, you may proceed with your argument. The Select Committee is not on trial before the House. Anything in regard to what they might have done does not arise now.

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MR. M. SIVATANU PILLAI (*Tovala*): I heard it, Sir, that the Law Member made out a case that personally he had no objection to the amendment but for the fact that the Select Committee which had considered the fact did not find it necessary. That was the point. Anyhow this amendment, if accepted, would make the meaning of the clause more clear and comprehensive.

Secondly with regard to the deletion of the words "every person" in line 2, clause 2 sub-clause (*a*) (ii), and to number the remaining portion as sub-clause (*a*) (iii) it does not require any ingenuity to understand or grasp the position taken by the honourable member moving the amendment. Then alone it will make out a clear and grammatically correct statement as intended to be conveyed by the arrangement in the draft Bill itself. There are three distinct sets of people who are sought to be included in this clause, the first set coming under sub-clause (*a*) (i), the second set coming under sub-clause (*a*) (ii) and the third set coming under the proposed sub-clause (*a*) (iii). This can be made clear only by deleting the words "every person" in sub-clause (*a*) (ii) and numbering the remaining portion as (*a*) (iii). The word "person" in sub-clause (*a*) is common to all the three parts of sub-clause (*a*) and may be made applicable to all of them.

DEPUTY PRESIDENT: That, I fear, is repetition. Mr. Krishna Pillai explained that, and what Mr. Sivatanu Pillai says is repetition.

MR. M. SIVATANU PILLAI (*Tovala*): I am only emphasising; that is all.

With regard to the deletion of the words "otherwise than as a surety" moved by Mr. Krishna Pillai, I have not made up my mind.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): If Mr. Krishna Pillai's amendment is accepted, it would read thus:—

> "Agriculturist means and includes every person who is liable jointly with an agriculturist, for any debt of such agriculturist otherwise than as a surety shall for the purposes of such debt be deemed to be an agriculturist under this Regulation even though he may otherwise be a non—agriculturist.

I do not know whether the words "shall for the purposes of such debt be deemed to be an agriculturist" beginning after the word "surety", if retained, would read correctly. Mr. Krishna Pillai does not want any word to be omitted from that sentence. The result is it would not be King's English.

Again, the idea of the Select Committee, as I understand, was this, that for purposes of that particular debt of the non-agriculturist he may be considered to be an agriculturist. Not that for every purpose he may be treated as an agricultutist, but for the particular debt, the debt that he has incurred otherwise than as surety jointly with an agriculturist. The idea of the Select Committee was that in cases like the members of a Nair Family, where the *Anantaravan* has to join in the execution of the document along with the *Karanavan*, in order that the *Tarwad* may be bound, in such cases, the *Anantaravan* may be treated as any agriculturist in that he joined the execution of the document because of the express provision of a law which demanded that his consent should also be taken.

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DEPUTY PRESIDENT; You may speak with respect to this amendment.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I am speaking only with respect to this particular amendment, as to the language, whether it is proper or not. The language employed by the Select Committee is quite correct. There should only be a colon or a comma at the beginning of the words "and every person" in line 2.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): So according to the member, is that to be a distinct clause to begin as a separate paragraph? Is there any special significance attached to the joinder of this clause with sub-clause (ii)?

MR. R SAMBASIVA AIYAR (*Kunnatnad II*): It would be best if it begins as a separate sentence.

I think Mr. Krishna Pillai is perfectly right in saying that the gentlemen contemplated by the clause should not be classed with village menials. That is not however the idea of the Select Committee. The new portion added by the Select Committee was intended to be quite new, quite disconnected with sub-clause (ii). It ought to begin as a separate sentence, but we cannot accept Mr. Krishna Pillai's amendment which is not King's English.

Secondly, I say we cannot treat it as a separate clause because the non-agriculturist referred to was intended to be an agriculturist only for the purpose of the particular debt specified. For purposes of other liabilities, they will continue to be non-agriculturists. For purposes of certain debts incurred jointly on account of some express provision of law as under the Nair Regulation or the Ezhava Regulation, they must be treated as agriculturists. That is the only idea of the Select Committe and I believe that idea has been made very clear by the language used.

MR. K. C. ABRAHAM (*Kottayam II*): Sir, I oppose the amendment for three reasons. In the first place, the proposal is that after the word "means" the words "and includes" be added. Of course, without elaborating the point, I submit that it has always been considered bad draftsmanship to make an expression as "means and includes". No doubt, the expression has been used in various enactments here and elsewhere. I have always found, as a matter of experience, that the expression "means and includes" is not correct as it lacks a certain amount of definiteness There is paucity of precision in that expression. Therefore my first objection is that it does not scund well and it cannot be used here In the second place, the word "means" has been definitely used for the purpose of making definite what the idea of the legislature is. Standing by amendment 3 alone, in the first place, it would not read well because Clause 2 as amended would read thus:—

> "Agriculturist means and includes every person who is liable jointly with an agriculturist, for any debt of such agriculturist....."

Though, as it is, it does not read well, I presume that the sentence beginning with "every person', has to be put in as a separate sub-clause. But, of course, that was not meant. With the amendment,

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it will read as if there is no subject to that clause which goes to the "who is liable jointly with an agriculturist etc"., In the name of grammar to which my learned friend does not want to do violence the amendment could not be admitted. Apart from the merits of the clause, I submit that the only drawback in the clause as it stands and as explained by the learned Law Member is that instead of a "comma" after the word "agriculturist" there ought to be a simicolon. It is not an additional clause to be linked with sub-clauses (i) and (ii). It is accordingly to me an elaboration of the idea contained in sub-clause (ii).

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) Is it by way of explanation ?

MR. K. C. ABRAHAM (*Kottayam II*): No; by way of amplification or elaboration.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Under what sub-clause would it go ?

MR. K. C. ABRAHAM (*Kottayam II*): Under amplification clause.

I believe that such an amendment is quite sufficient. The clause if preceded by a semicolon would read very clearly. It would read as :—

"Agriculturist..... who earns his livelihood as a village menial paid in cash or in kind for work connected with agriculture (;) and every person who is jointly etc.

My submission is apart from the merits of the sub-clause, the clause as it is, would stand well.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Did the Select Committee intend to put this Clause as a separate Clause ?

DEPUTY PRESIDENT I disallow that question.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) Reference was made to printer's devil ; therefore I want to know whether that devil comes in here also.

DEPUTY PRESIDENT: Your question relates to the intention of the Select Committe. That is not now before the House. We are now dealing with the product of their deliberations.

MR. K. R. ELENKATH (*Kalkulam I*): A statement was made by the Law Member that it was a printer's devil. I want to know whether the provision as it is has been approved by the Select Committee.

DEPUTY PRESIDENT: I am surprised that Mr. Elenkath is putting that question. The Law Member has made a statement, and the House has accepted that statement without any reservation. The dignity of the House requires that once that statement has been accepted, it is final. The question cannot, therefore, be reopened.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I rise to oppose the amendment I want at the outset, to make clear to the House what the real import of Clause 2 (*a*) is, to which the present amendment relates. That Clause contains two distinct propositions. The first is that the term 'agriculturist' means certain classes of people and the second is that, even though a person may *not* be an agriculturist he may still be deemed to be an agriculturist for certain purposes. These are the propositions embodied in Clause 2 (*a*).

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It is a well-known rule of interpreting legislative enactments that the interpretation should not be based merely upon punctuation marks or upon numbering In this Clause even if we ignore all the punctuation marks and read the whole as one sentence, the two propositions that I have mentioned will appear clear and quite distinct.

Apparently, the mover of the amendment seems to be impelled by the idea that these two propositions deal with two classes of persons both of whom should be defined as agriculturists; and therefore he asks "why not add a third class and bring in the latter class of persons also in the definition of agriculturists"? Now, Sir, that cannot be done; because the second proposition that I referred to which deals with that class of persons clearly lays down that those classes of persons are non-agriculturists but that for certain purposes they may be treated as agriculturists. The second proposition does not at all deal with a distinct class of agriculturists as the mover of the amendment seems to imagine. On the other hand, it specifically says that it deals with a class of *non-agriculturists*, and lays down that such non-agriculturists should be treated as agriculturists for certain specific purposes. It does not form part of the definition of the term 'agriculturist'

Further, if the amendment is accepted, it would mean that the class of people that the mover of the amendment has in view will become agriculturists for *all* purposes, whereas the second proposition in Clause 2 (*a*) only says that certain non-agriculturists will be treated as agriculturists only for certain purposes. I would like to point out to the House that the idea which I designated as the second proposition can be added anywhere in the Bill, even as the last provision in the Bill, as 'notwithstanding anything contained in the previous provisions, any person.....may be deemed to be an agriculturist for certain purposes... .....' That would not quite be a definition of the term 'agriculturist'. It would be an entirely different proposition enacted by the Bill. But it has been considered to be appropriate that immediately after defining the term 'agriculturist' the second proposition that I referred to should be given a place. It is *not* the intention of the framers of the provision to include non-agriculturists within the definition of the term 'agriculturist'. Any amendment suggesting the inclusion of non-agriculturists within the *definition* of the term 'agriculturist', will be inconsistent with the purposes of the Bill.

The amendment says that the words 'every person' should be omitted. I do not propose to deal with the defects in the *form* of that amendment. Apparently, the idea of the mover of the amendment is to bring in a third class of persons within the term 'agriculturist' *for all purposes*. That will be the effect of the amendment if it is carried; that however is not the idea of the framers of the Clause. I daresay that, if the Clause is understood correctly, it would be agreed that the amendment is unacceptable.

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With regard to the formal defect pointed out by Mr. Abraham, I agree with Mr. Abraham in thinking that the expression 'means and includes' is quite illogical. The word 'means' is *prima facie* restrictive, whereas the expression 'includes' is extensive. It is not therefore good drafting to use the expression 'means and includes' in a definition. I do not know if it is necessary for me to quote any authority on this matter. Anyhow, I shall read a few lines from "Legislative Drafting and Forms" by Sir Alison Russel, formerly Chief Justice of Tanganika.

> "The expression 'means' is explanatory and prima facie restrictive. The expression 'includes' is extensive."
>
> "The expression 'means and includes' should never be used, since those words have different significations."

Therefore, the form of the amendment *is* defective. Personally I do not now attach so much importance to the form because defects in form can be easily remedied at the third reading. But, as I have already pointed out, the substance of the amendment is based on a misconception as to the real import of the provision contained in Clause 2 (*a*).

Some observations were made about my statement regarding the support given by the Select Committee. I shall explain what I meant and the rule that I propose to follow in the further discussion on this Bill. My point is that the Select Committee have really blessed my Bill by accepting its main principles. I therefore propose to stand by them wherever the wording alone of the provisions is concerned even assuming that there may be small defects here and there in that wording. And after all they are not serious defects and can be remedied at any stage without much difficulty. I propose to concentrate my attention on the merits of the provisions, leaving the form alone for the present. It seems to me that that will be a wholesome rule for the House also to follow so far as this Bill is concerned as we are all anxious to get through it as early as possible.

DEPUTY PRESIDENT: So, your point is that you oppose the amendment because you differ from the mover of the amendment on the merits, and that, if it were a mere matter of form, you would not have had any serious opposition to it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): What I meant to say was that since the Select Committee has conferred its blessing on my Bill, I will stand by it even if I find some defects in its wording.

DEPUTY PRESIDENT: You do not say that because the Select Committee was of that opinion you oppose the amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I will stand by the Bill as revised by the Select Committee if the defect is merely in the form, but if there is any defect in *substance*, I am prepared to consider it on its merits.

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MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, Clause 2 (*a*) defines the term 'agriculturist'. The Select Committee has put in another class of persons also in the Clause. Such persons, even though they are not agriculturists, have been brought into the ambit of the definition. I therefore thought that they may be included as a distinct class; anyhow, in view of the explanation given by the Law Member and his statement that he would stick to the form adopted by the Select Committee, and in view of the fact that my amendment is more or less one relating to the form of the provision, I submit I may be permitted to withdraw the amendment.

DEPUTY PRESIDENT: The Law Member said that he would adhere to the form contained in the Bill. You now say that you consider that binding upon you also?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): As the original author of the Bill and as the subsequent promoter of it, his statement is entitled to considerable weight. I claim I am perfectly justified in expressing my opinion that the attitude adopted by the Law Member in regard to the form of the Bill can be accepted by the members of the House. I do not want any unnecessary debate on any matter which is purely one of form. This is a very necessary enactment. Therefore for my part, I want unnecessary observations and criticisms to be avoided. I therefore beg the permission of the House to withdraw my amendments Nos. 3 and 11, so that the provision in the Bill may be left as it is. My reason is—

DEPUTY PRESIDENT: Once you want to withdraw your amendment, no further reason need be mentioned.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Am I not entitled to say why I withdraw?

DEPUTY PRESIDENT: Does the House permit Mr. Krishna Pillai to withdraw his amendments?

MR. K. PADMANABHAN (*Chirayinkil*): I should like to know why he withdraws.

DEPUTY PRESIDENT: He has said that.

The amendment was, by leave, withdrawn.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vaki*): I want the sentence beginning with 'and every person' to be begun in a separate line; I am not sure whether that will be done by the printer without the permission of the House. To be on the safe side I beg to move for a printing direction, that the sentence beginning with the expression 'and every person' be begun in a separate line, with a semi-colon after the word 'agriculture' in the previous line.

MR. K. GEORGE (*Land Revenue and Income Tax Commissioner*): I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): If it is a question of form—

DEPUTY PRESIDENT: It is for you to decide whether it is a question of form or of substance; no if's, please.

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MR. K. R. ELENKATH (*Kalkulam I*): I rise to a point of order. With regard to the amendment proposed by the Law Member, what I wish to bring to the notice of the Chair and of this House is that it has been admitted here that it is only a printer's devil and in the original Bill it appears as a separate clause. As such, the Law Member has only to give that information to the House and he has no right to move an amendment.

DEPUTY PRESIDENT: That certainly is going too far. Mr. Elenkath has questioned the ruling of the Chair. The Law Member requested the permission of the Chair to move the amendment and the request having appeared to be eminently reasonable, the Chair gave permission to the Law Member to make his motion. So no observation made by Mr. Elenkath will affect it.

MR. K. R. ELENKATH (*Kalkulam I*): I want a ruling from the Chair.

DEPUTY PRESIDENT: What I said has the effect of a ruling. The ruling is that at this stage Mr. Elenkath has no right to make that observation.

The amendment was put to the vote of the House and carried.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Sir, I beg to move the following amendment:—

"*In Clause 2, sub-clause* (*a*) (i), *add the words 'who is' before 'a servant' in line 2.*"

The Clause, as it stands, would mean that a servant of an owner or the servant of a tenant of agricultural land should also earn his livelihood mainly by agriculture. It is absurd to think that a servant of an agriculturist can earn his livelihood by agriculture. His profession is simply to serve his master, the agriculturist. I think that the amendment is necessary to make the position clear. I think also that that has been the intention of the Select Committee when this Bill was drafted. My amendment amounts only to a grammatical correction.

MR. K. MADHAVAN (*Nominated*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment. The import of this portion of the Clause, as it stands, is this—a person, in order that he may be an agriculturist, must be one who earns his livelihood mainly by agriculture *and* is also a servant of an owner or tenant of agricultural land. If the words 'who is' are put in there as proposed, the servant need not be a person who earns his livelihood mainly by agriculture. I believe that that also is the object of Mr. Panickar. If that is so, we are going far away from the import of Clause 2 sub-clause (*a*) (i). The idea is that he must firstly be a person earning his livelihood by agriculture and then he must also be the servant of an owner of agricultural land or a tenant of agricultural land. If Mr. Panickar's amendment is accepted, the result will be that, merely because a person is the servant of an owner or tenant of agricultural land, he will become an agriculturist. I think that this cannot be accepted.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*) May I know from the Law Member whether it is possible for a servant of an agriculturist to earn his livelihood at the same time by agriculture?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am sorry I did not make myself clear. The question does not really arise. Here, a servant is not a servant of an agriculturist. He must be the servant of an owner or tenant of agricultural land. For instance, he may be a factory worker or a household labourer. Mr. Panickar's amendment would mean that a cook, for instance, who is a servant of a Government official, because he is a servant, should be treated as an agriculturist. The real point is that, if a servant of an owner of agricultural land should be treated as an agriculturist, he must also be one who earns his livelihood mainly by agriculture. Otherwise, it would follow that even household servants may have to be treated as agriculturist.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Sir, I am not at all convinced by the speech of the Law Member. My position is that, if the Legislature wants to include the servant of an agriculturist also as an agriculturist, it is not necessary that he should earn his livelihood by means of agriculture. It is enough that he is the servant of an agriculturist, to call him an agriculturist. That is my position.

DEPUTY PRESIDENT: Do you press your amendment to a division?

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Yes, Sir.

The amendment was put to vote and lost.

MR. R. SIVARAMAN NAIR (*Tiruvalla II*): I beg to move the following amendment:—

"*In Clause 2, sub-clause (a) (ii), delete the word 'village' in line 1.*"

As it is, the Clause makes a distinctien between a menial paid in cash or in kind who lives in a village and another paid in cash or in kind who lives in a town. I do not know whether the Select Committee wanted to make such a distinction. Anyhow, in the other portions of the Bill, no reference is made to the place in which an agriculturist lives. From the preamble and other portions of the Bill, it is clear that the intention of the Bill is to give relief to the agriculturist irrespective of the fact whether he is living in a town or in a village. The distinction that is sought to be made, I beg to submit, is without any difference so for as the principle of the Bill is concerned.

We are aware that there are menials who earn their livelihood by agricultural labour and live in towns. The same degree of concession which we show to menials who live in a village and who do agricultural work must be extended to those menials who live by agriculture in towns. The learned Law Member referred to the fact that there are such menials; but he says that admittedly the menials in Shencotta and other places are agriculturists. The difference which he makes out is probably that it is not possible for a menial living in a town to prove himself to be an agriculturist. Anyhow, that objection is possible in all other cases also. Whether he is living in a town or in a village, my submission is that the concession must be the same. That is the motive with which I move this amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I second it.

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MR. K. R. ELENKATH (*Kalkulam I*): Sir, I support the amendment. I have also sent an identical motion. The main reason for our supporting the motion is that occupation and not the place of work ought to be given prominence to. The Bill is intended to relieve agriculturists and it is quite immaterial whether the agriculturist does his work in the town or in the village. For these reasons, I support the amendment.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Sir, I oppose the amendment. In the Select Committee the word 'village' was used not as distinguished from the word 'town'. The whole of Travancore is divided into taluks, the taluks into *pakuthies* and the *pakuthies* into *karas*. We may take it that the village is either a *pakuthi* or a *kara*, and in the Select Committee the idea was that it may exist in the midst of towns or in rural parts.

MR. K. R. ELENKATH (*Kalkulam II*): What does it matter whether he word 'village' is taken away or not?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): The word 'village' denotes an agricultural colony.

MR. K. R. ELENKATH (*Kalkulam II*): Is it imposible for an agricultural colony to be in a town?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): No.

MR K. R. ELENKATH (*Kalkulam II*): In that case does not the retention of the word 'village' affect it?

DEPUTY PRESIDENT: That verges on cross-examination.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Of course, the idea is that it must include all those persons who are connected with agricultural work, whether they are living in the towns or in the rural parts. More particulary we were informed that there are such persons both in Shencotta and in parts of Agastiswaram.

MR. K. R. ELENKATH (*Kalkulam II*): May I know the harm that will ensue if the word 'village' is taken away?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Then there will be no meaning.

MR. K. R. ELENKATH (*Kalkulam II*): Am I to take it that the word 'menial' has no meaning at all?

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): It has a meaning but not the one we want. We want it to apply to village menials.

DEPUTY PRESIDENT: There is considerable force in Mr. Elenkath's question. The Select Committee may have some meaning present to its mind, but the question before the House is whether from the words such a meaning will naturally follow.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): My submission is, it will. As I said, the whole of Travancore is divided into taluks. The taluks are divided into *pakuthies* and the *pakuthies* are divided into *karas*. By villages I mean the various *karas*. Such *karas* may exist in Trivandrum town, Alleppey town or any other town. Therefore the word 'village' has got a distinct meaning for the purpose of this Bill. So if there are village menials paid in cash or in kind for work connected with agriculture, thon they will be agriculturists, whether they may live in towns or in rural parts.

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MR. P. C. KURIYAN (*Kottayam I*): In the light of the explanation now given why did not the Select Committee put the expression '*pakuthi*' or '*kara*' for 'village'?

DEPUTY PRESIDENT: That question is disallowed.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): The idea was to include all persons connected with agricultural work as village menials. But there are village menials who work for non-agricultural purposes also. There are persons who work for non-agricultural purposes and get remuneration in kind.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I want to put a question. After all Travancore is divided into several villages and therefore menials who live in Travancore have necessarily to be village menials, and they have to further qualify themselves for doing work for agricultural purposes in order to come under the provisions of this Bill. If that is the position, what significance is attached to the word 'village'? Rather, what meaning did the Select Committee attach to 'village'?

DEPUTY PRESIDENT: That does not arise.

MR R. SAMBASIVA AIYAR (*Kunnatnad II*): So then, my submission is that the expression "village' is essential and I oppose the amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): In supporting the amendment of Mr. Sivaraman Nair, namely, in Clause 2, sub-Clause (*a*) (ii) delete the word 'village' in line 1, I have to say one word.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He has already seconded. He has no right to speak now on the amendment.

DEPUTY PRESIDENT: I definitely asked Mr. Krishna Pillai whether he wanted to speak at the time of seconding the amendment. The member then said 'no'. Therefore the member has no right now.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): When I was standing up, I thought the President was asking me whether I wanted to speak now. Nevertheless I do not want to speak now.

DEPUTY PRESIDENT: Nevertheless, the position of Mr. Krishna Pillai cannot be accepted, because Mr. Krishna Pillai as a member of the House has been in a Legislative Chamber for a very long time and when the Chair definitely put to him whether he wanted to speak on this amendment he said "No". To rise up later, I cannot allow.

MR. S. J. NAIR (*Nedumangad*): I support the amendment. By this amendment it is intended to delete the expression 'village' from Clause 2, sub-clause (ii). When doing so, the Clause would read thus:

> "Agriculturist means a person who earns his livelihood as a menial paid in cash or in kind for work connected with agriculture".

The deletion clearly indicates that by menial is meant, a menial or servant who is either paid in cash or in kind for works done connected with agriculture and agriculture alone. In the presence of the expression ".....connected with agriculture" in Clause 2, sub-clause (ii), the word 'village' is unnecessary.

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MR. R. SIVARAMAN NAIR (*Tiruvalla II*): Is the member aware of persons such as village blacksmiths, village carpenters and so on?

MR. S. J. NAIR (*Nedumangad*): Yes. But all that I am at is on account of the presence of the expression " ..... connected with agriculture"; a seperate word "village" is quite unnecessary and that it must be deleted.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): Sir, I wish to say a word in this connection. I think by the use of the expression "village menial" it is not meant that that person must be one who lives in a village. The village menial is a distinct entity in the village economy. But in the case of menials connected with a village such as blacksmiths, barbers and other people, I do not think there is any distinction by the use of the word village, from the menials who live in a town and do similar work. I do not also think that a *town* menial or a *kara* menial or a mere menial connotes the same compendious idea given by the term "village menial". It is not right to interpret "village menial" as a menial living in a village. The whole misconception arises out of that. Village menial has got a separate and distinct meaning irrespective of the location of his homestead or house. He comes in as a part of the machinery of the village economy and as such the expression has got a definite significance—

DEPUTY PRESIDENT: So, you consider his occupation and not residence;

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*): So the expression menial with "village" attached to it has got a technical and significant meaning.

MR. V. RAMAKRISHNA PANICKAR (*Kartikapalli II*): Sir, I oppose the amendment. Village here means a *pakuthi* and *pakuthi* is sometimes treated as a village. The *masapadikkaran* of a *pakuthi* is called a village peon. So also the survey map of a *pakuthi* is termed a village map. For revenue purposes a *pakuthi* is often said to be a village. Therefore there is nothing wrong in the present form of the clause under reference.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Much of what I wanted to say has been fully stated by Mr. Kottur Kunjukrishna Pillai. I only want to add that the expression "village menial" would convey a definite idea to everybody. It is that that is sought to be embodied in the clause.

MR. R. SIVARAMAN NAIR (*Tiruvella II*): As a special case, I may be permitted to speak, if I am not authorised to speak as a privilege.

DEPUTY PRESIDENT: Now you have no chance to speak under the law. I shall, as a special case, give you permission to reply.

MR. R. SIVARAMAN NAIR (*Tiruvella II*): Yes, Sir. Much has been said about the intention with which that word "village" is included in that clause. If that term is omitted, the clause would read thus:

> "Agriculturist" means a person.....who earns his livelihood as a menial paid in cash.....".

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[Mr. Sivaraman Nair.]

There is this feature. After this enactment is passed, no one will take into consideration what the Law Member intended or the Select Committee intended or this House intended. At least, there is the likelihood of such an explanation being given and I believe such a one can reasonably be put upon the word "village". So there is no question of the intention of the Legislature when it comes to a court of law. The court will not look into the question of intention, but will read the Bill as it is. My friend Mr. Kottur was telling us that the expression 'village menial' can be easily understood, that it is connected with village economy and all that. But there is no explanation or definition in the Bill and therefore the explanation cannot be accepted.

The amendment was then put to vote and declared lost.

MR. K. SANKARAN (*Kartikapalli I*) : Sir, I beg to move the following amendment :—

"*In Clause 2, sub-clause* (a) (ii), *substitue a full stop for the comma after the word "agriculture" in line 2 and delete the rest of the sentence.*"

DEPUTY PRESIDENT : I am not sure whether your amendment is in order. You say, substitute a full stop for the comma. Now there is no comma, as you say.

MR. K. SANKARAN (*Kartikapalli I*) : I will explain, Sir. I want the special permission of the Chair —

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : On a point of order. There is an amenment to delete a particular sentence and there is another amendment suggesting an amendment to *that* sentence itself. My point is which should be taken up first?

DEPUTY PRESIDENT : Where is the other amendment please?

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : That is No. 13, in the list. My submission is, when there is an amendment with regard to a part of the whole clause and when there is an amendment to delete the whole clause, the smaller amendment has to be considered first, because, if the amendment with regard to parts are accepted, probably there is no necessity to delete the whole clause. So, I want a general ruling.

DEPUTY PRESIDENT : I decline to give a general ruling in this matter.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : Then I urge for a particular ruling.

DEPUTY PRESIDENT : After all, it is a mark of punctuation in a clause.

MR. A. S. DAMODARAN ASAN (*Mavelikara*) : No, Sir. Mr. Sankaran wants to delete a whole clause ; Mr. Puthupalli Krishna Pillai wants to amend a portion of the clause. So there are two distinct issues. According to me, precedence must be given to a smaller amendment.

DEPUTY PRESIDENT : I must say, specifically with regard to this Bill, that, if Mr. Puthupalli Krishna Pillai wants to move his amendment, he can move it first.

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MR. R. SAMBASIVA AIYAR (*Kunnatnad*) *II*): May I submit one word? Our idea is that the whole clause must go. I have given an amendment to that effect, that is amendment No. 10. Therefore, if my amendment is accepted, there will be no necessity to consider any other amendments.

MR. KAYALAM PARAMESWARAN PILLAI: (*Additional Head Sirkar Vakil*): The ordinary rule is that a motion to delete the whole clause must be moved first. Because, if the whole clause is deleted, there will be nothing to amend. But there is great force in what Mr. Asan has said. There is an amendment by Mr. Abraham to substitute another clause. It seems to me that the best course will be to allow all the amendments to be moved and debated upon and then each amendment may be put to vote and the decision of the House taken.

DEPUTY PRESIDENT: I gave a ruling, and even after that, doubts have been entertained by members. Whatever be the general practice, and I think there is no uniformity in that matter, if certain amendments are passed, the consideration of the question of dropping the whole clause will be easier because if the amendments are accepted then the clause need not be deleted.

MR. SAMBASIVA AIYAR (*Kunnatnad II*): Sir, I want to know whether my amendment No. 10 should also be moved along with the others or whether I should wait till the other amendments are all moved and decided upon.

DEPUTY PRESIDENT: You shall wait till the other amendments are disposed of.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, I beg to move the following amendment:—

"*In Clause 2, sub clause (a) (ii), delete the words "otherwise than as a surety" in line 3.*

If this amendment is accepted the Clause will read thus:

> "Every person who is liable, jointly with an agriculturist, for any debt of such agriculturist, shall for the purposes of such debt, be deemed to be an agriculturist under this Regulation even though he may otherwise be a non-agriculturist."

The members of the Select Committee made a certain reservation with regard to this class of persons by inserting the phrase "otherwise than as a surety". The result of the retention of this phrase is that the sureties will be excluded from the benefits conferred upon agricultural debts under the Regulation. The members of the Select Committee do not seem to have noted the potential effect of a reservation like this. In their report they say:

"In various transactions prevalent in this State as for example debts incurred for family purposes by the members of a Marumakkathayam *Tarwad* or a joint Hindu family, junior members are liable jointly with the senior member by reason of having associated themselves with the senior member in such transaction. When the senior member gets relief as an agriculturist, as very often he will, the entire

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[Mr. Puthupalli S. Krishna Pillai.]

liability under the transactions may for all practical purposes be transferred to a junior member if he is not himself an agriculturist as defined. This is not equitable, as it was not the real intention (as would have been the case in surety transactions) that he should so shoulder the liability at any time. Hence we propose the aforesaid amendment."

Sir, so far as I am concerned, I am unable to agree with the observations made by the Select Committee about the real intention of any person executing a document, whether he be a member of a Marumakkathayam *Tarwad* or a joint Hindu family. The law says that any person who has undertaken a liability singly or jointly with other members is jointly and severally liable. I do not understand how the members of a Marumakkathayam *Tarwad* stand on a different footing. Suppose four members of a Syrian Christian family execute a document evidently for the benefit of the eldest brother who is the manager of the family. These four members join for the purpose of executing the document because the person advancing the money has refused to advance it on the security of the eldest member alone. They execute jointly not with the intention that they should be treated as sureties but with the object of raising the funds for the eldest brother for a purpose which will confer benefit equally on them. I am not in a position to understand why this was introduced in the case of members of the Marumakkathayam *Tarwad* or joint Hindu families. The Select Committee merely say that sureties should be excluded. What is the effect of sureties being excluded and other persons incurring joint liability being included? Here it is stated that this is for the purpose of redressing the indebtedness of the agriculturists. It is stated that a person who has become liable as a surety for an agriculturist should be excluded. What is the result of such a reservation being made against sureties? On the one hand, the principal debtor will be a debtor and his creditor is given the option of agreeing to any proposal for the purpose of settling the debt. That proposal might result in scaling down the principal amount to an absolute negation of the interest that will be accuring and also a composition under which one-fourth of the debtor's properties would be released absolutely from any liability.

The law relating to sureties is a little bit complicated. For instance, Section 134 of the Indian Contract Act states:—

> "The surety is discharged by any contract between the creditor and the principal debtor, by which the principal debtor is released, or by any act of omission of the creditor, the legal consequence of which is the discharge of the principal debtor."

Again Section 135 states:—

> "A contract between the creditor and the principal debtor, by which the creditor makes a composition with, or promises to give time to, or not to sue, the principal debtor, discharges the surety unless the surety assents to such contract."

Here the exclusion of surety altogether will result in a clash with the general principles of the right of the surety. Under the provisions of this Regulation, the principal debtor puts in an application before a

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conciliation officer. The result will be that the proceedings against the principal debtor will be stayed. But it will not result in a claim against the surety being stopped. The creditor need not wait for the realisation of the amount from the principal debtor. He can proceed against the surety. By a composition as proposed under this Bill, the principal amount is scaled off. Suppose the principal debtor and the creditor agree that, out of five hundred rupees under the composition scheme, Rs. 250 is sufficient. Under this Regulation, the debtor is entitled to a discharge if he pays Rs. 250. Now, what is the liability of the surety? During the pendency of the proceedings, if the creditor takes action against the surety, the surety becomes liable in the first instance. Suppose the creditor realises the whole amount from the surety. What are the rights of the surety? He is entitled to be substituted to all the rights which the creditor had on the date on which the suretyship commences or on the date on which the contract is entered into. Under the proposed scheme, am I entitled to it under the law? Here is a law which says that the surety shall not be affected by anything in this law.

So much so that the surety will be met by the argument on the part of the principal debtor that he has been exempted from the payment of those sums and he is not therefore liable. He is bound to pay Rs. 250 as proposed by the creditor. Even a composition scheme like that entered into between the creditor and the debtor will not be enough because the general provisions must come into operation. If there is such an agreement, the surety must, to that extent, be released.

MR. K. C. ABRAHAM (*Kottayam II*): May I ask why the surety should be released in those circumstances?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): The surety is a more loveable person than the man who has incurred the joint liability. The surety does not even touch a pie. The general law relating to surety makes the question clear that the sort of undertaking that he has entered into entitles him to certain special privileges.

MR. A. THANU PILLAI (*Trivandrum—Rural*): If the question is as to who should lose, the original creditor or the surety, why should the creditor lose and not the surety?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): If the amount was advanced to an agriculturist and it was used by him for agricultural purposes, what fun is there in saying that a good man, who stood by and said that if he does not pay I will see that you are not put to any loss, be made responsible? By including him in this transaction, does the creditor stand on a worse footing than he would otherwise be? Is not the surety entitled to better consideration than even the principal debtor? Money was borrowed by him and it was utilised for his own purposes. The surety only stood by the debtor and said to the creditor, "you may give the money to him. If you are not able to get it from him, I shall pay". But the law says that he shall pay it if it is demanded. The law at the same time says that he is in a better position

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[Mr. Puthupally S. Krishna Pillai,]

If that is so, is he not in a better position? Does he not stand in a more favourable position? than the junior member of a Marumakkathayam *Tarwad* who has put his signature saying that the amount should be given for the benefit of the *Tarwad* and that himself, his *Tarwad* and everything that the *Tarwaa* possesses should be liable for that amount? How is a Government servant junior member in a better position than the honourable surety? It is for the benefit of his *Tarwad* at least. But what is the position of the surety? The money was utilised by a third party for the improvement of his own lands and out of which the surety does not derive anything. Is not the surety in a better position than the Government servant junior member? If the members of the Select Committee advocate the joint and several liability, the surety's position must be considered to be at least on the same footing as that of persons who have incurred joint and several liability. All that we say is that, if any person has jointly become liable with an agriculturist, he shall also be in the same position as the agriculturist. That is the effect. Suppose myself and Mr. Abraham borrow Rs. 500 from the National Bank on executing a promissory note and take it for granted that I am an agriculturist. Under the transactions of the bank, we incur a joint and several liability. It is not liability of the surety and the principal. We jointly execute the promissory note. But the money was borrowed for my purpose and I am an agriculturist. What will be the position of Mr. Abraham? The bank will be able to proceed against him if he calls himself a surety, but not if he is jointly liable. If a joint liability is incurred by one person with another agriculturist, the benefit of the Regulation will be availed of by both but not so if he is surety. That position, on general principle, on substantial justice and in equity, appears to be hard, unnecessary and, I may even say, improper. I therefore move that the reservation made against the surety shall be deleted. The surety is himself really and jointly and severally liable with the defaulting principal debtor You can proceed against the surety or the debtor or both.

DEPUTY PRESIDENT: I think, as I have understood, your argument contains two main contentions. The surety out of generosity undertakes a responsibility to help somebody. That he should be treated fairly is one argument. Secondly even if the debtor is liberated from the clutches of the original creditor, efforts should be made to liberate his surety.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Substantially it is what I submitted. I also said that if a person who though not an agriculturist, is while jointly and severally liable with an agriculturist is exempted, no distinction should be made in the case of a surety who also in law is jointly and severally liable to the creditor.

The law says that it is on account of this that he is treated on a different footing from other classes of debtors. That is an additional statement which I want to make. For all these reasons, the phrase "otherwise than as a surety" occurring in line 3 of Clause 2, sub-clause (a) (ii), may be deleted.

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MR. P. C. KURIYAN (*Kottyam I*) : Sir, I support Mr. Krishna Pillai's amendment; and in doing so I have to say that it is with particular pleasure that I support that because it forms part of my own amendment. The absurdity of this provision will be clear when it is seen that, while the debt can be realised from the surety, the surety cannot realise it from the principal debtor. I think that would be a condemnation of the very position itself. There is also another reason. Why should the Legislature want to make a provision in favour of a particular community when a general law is being enacted? As Mr. Krishna Pillai said, the junior member of a Marumakkathayam *Tarwad* stands to gain. In excluding the surety, the Report of the Select Committee says that there are cases in which the junior members of the Marumakka-*Tarwad* stand to gain when such a provision is made.

DEPUTY PRESIDENT: Will you read the exact portion of the Bill?

I have got it myself. It says "In various transactions prevalent in this State as, for example, debts incurred for family purposes by the members of a Marumakkathayam *Tarwad* or a joint Hindu family, junior members are liable....." There is no special legislation for a particular community.

MR. P. C. KURIYAN (*Kottayam I*): But emphasis is made on members of the Marumakkathayam *Tarwad* and members of a joint Hindu family.

MR. A. THANU PILLAI (*Trivandrum-Rural*) : Is there anything in this provision that will exclude the operation in favour of a joint Christian family? I wish to know from the member speaking.

DEPUTY PRESIDENT : I think Mr. Kuriyan need not answer that question, because in a matter like that let us not draw a distinction on a Marumakkathayam *Tarwad* or joint Hindu family or joint Christian family. In the Select Committee Report, there are the words "for example" and presumably nobody is excluded. All people can take advantage of this provision, be he a Nair, a Hindu or a Christian.

MR. K. KUNJUKRISHNA PILLAI (*Quilon I*) : But does the honourable member realise that?

MR. P. C. KURIYAN (*Kottaym I*) : According to the Bill, I concede that all people will get the benefit. But unfortunately in the report, the Select Committee says that the situation has arisen because the junior members of a Marumakkathayam *Tarwad*———

DEPUTY PRESIDENT : You are not justified in making that remark form the language of the Select Committee's Report.

MR. P. C. KURIYAN (*Kottayam I*) : Had the Select Committee not made that remark, I would not have said this.

MR. POTTAYIL S. KRISHNA PANICKAR (*Shertala II*) : Is it the Report of the Select Committee or the Bill that is now being considered?

MR. P. C. KURIYAN (*Kottayam I*) : I am concerned with the Bill as reported by the Select Committee.

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DEPUTY PRESIDENT: Even that distinction does not arise. It is quite legitimate for Mr. Kuriyan to stress that point if certain communities are excluded from the beneficial operation of this section. The words "as for example" means not only Nairs and those who follow Hindu Law, but all communities in the same position.

MR P. C. KURIYAN (*Kottayam I*): Let me attempt to explain the position once more. The Select Committee need not have quoted the example. They could have merely said it in the general form.

DEPUTY PRESIDENT: You may proceeed with your argument. Why the Select Committee should use or should not use that argument does not arise You may advance your own argument.

MR. K. C. ABRAHAM (*Kottaayam II*): A point of order. Does the question of joint family and all that arise now? We are concerned with the deletion of a few words in the partiular clause under consideration.

MR. P. C. KURIYAN (*Kottayam I*): Sir, I have not anything more to say. I support the amendment proposed by Mr. Krishna Pillai.

MR. K. R. ELENKATH (*Kalkulam I*): Sir, I rise to oppose the amendment. I have been hearing very patiently what Mr. Krishna Pillai has said. He has ignored one fact in discussing the problem. And that is, he forgot that in the one case it was legal necessity which made joint liability on the part of members of the *Tarwad* and in the other case it was voluntary agreement on the part of the surety to make him liable. He was talking a good deal on behalf of the surety and it would have been more charitable to him if he had said that the creditor advanced money to the agriculturist debtor in the hope that the money could be realised, if not from the principal debtor at least from the surety who was magnanimous to help the debtor even at his own risk. And it may be that the creditor had more hope on the surety whose income he relied upon much better than on that of the principal debtor to get back his loan. So, the surety who has nothing to do with agriculture, does not come within the purview of the debt conciliation and is entitled to no relief. I ask in all humility why not the creditor also be given the advantage that the member would wish to confer on his surety. For these rersons I oppose the amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I support the amendment. It is quite clear from what has been said by Mr. Krishna Pillai, that by the exclusion of surety the whole reason for the inclusion of joint debtors is taken away. But the question here is whether the definition of "agriculturist" should include persons who have become jointly liable with agriculturists for the debts contracted by those agriculturists. A number of circumstances have worsened the situation for the agriculturist and he is unable to discharge the debts now standing in his name and so the agriculturist wants relief. The ways in which relief is granted are (1) by conciliation, (2) by enabling courts to give instalment decrees, (3) by reduction of interest in future, and (4) by exempting agriculturists from arrest under certain circumstances. Here,

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a person who wanted to help the agriculturist for contracting debts for agricultural purposes and has become jointly liable with him has to discharge almost the whole of the burden of the agriculturist on account of the Regulation that is to be passed now. The act of God has now ruined the agriculturist. An act of State would ruin those persons who wanted to help the agriculturist if this amendment is not accepted. That should not be. Where a person has acted as surety or where a person has become joint executant with an agriculturist for helping him in the expectation that the agriculturist will be able to discharge the debt and that the State will enable the creditor to realise the amount due to the creditor, he is now burdened with the whole liability of the agriculturist because we are going to pass this law.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Is it the creditor that should be burdened with the liability?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): No. The surety is to be burdened with the liability. With regard to the creditor, if we go through the Bill carefully, we will find that the attempt made by the Bill is to prevent the creditor from putting too much pressure upon the debtor who cannot bear the same. That is all.

MR. K. R ELENKATH (*Kalkulam I*): Is it the agricultural debtor or anybody else?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): It is the agriculturist. So, all that the creditor is now restrained from doing is of putting too much pressure upon the debtor who is unable to discharge his debt all on a sudden. The Conciliation Board will go into the history of the debt, the nature of the transaction and the way in which the amount has to be discharged and give proper relief in deserving cases. And when the creditor is simply restrained from oppressing the debtor, I wish to know why we should cast additional burden upon other innocent people. The State should not do that. There is no ground for doing that.

MR. K. C. ABRAHAM (*Kottayam II*): Could not the surety prove as against the debtor before the Board the debt due to him?

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I do not think so. There is no provision to issue notice to the surety in respect of the application and the other proceedings before the Board. All that the clause mentions is that when an application for conciliation is made, the Board shall issue notice to the creditors. Surety is not a creditor. All proceedings may be conducted behind the back of the surety. He becomes creditor only after the liability is discharged by him.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Will the member be satisfied if express and clear provision is made to enable the surety to apply for conciliation?

MR. A. S. DAMODARAN ASAN (*Mavelikara*). What the learned Law Member asks me is whether a surety may also be included for purposes of part II of the Regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vaki*): If that was the only objection, I was asking the member if he would be satisfied if provision is made for enabling the surety to apply for conciliation, because he is surety.

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MR. A. S. DAMODARAN ASAN (*Mavelikara*) : If for purposes of Part II of the Bill the surety could be considered as a debtor, the hardships would be removed to a very great extent.

On these grounds, I support the amendment.

MR. K. C. ABRAHAM (*Kottayam II*) : I wish to add a few words. The whole difficulty arises, according to me, not because of the inclusion or exclusion of the surety but because of the fact that the whole clause as drafted is more extensive than is necessary.

As it reads, it will be found that every joint debtor, debtor who is jointly liable with an agriculturist, will be entitled to protection under this Bill, if he is not a surety. A joint debtor, although he might not have received any money, otherwise comes under this Bill and gets protection if he is himself an agriculturist. That is clear. If such joint debtor is himself not an agriculturist, it passes my comprehension why he should be brought under this Bill, whether he is a surety or not; because in any event, he was prepared to pay the debt. I therefore seek the permission of the Chair at this stage to move my amendment No. 12. That will restrict the scope of this clause as far as is necessary. Some discussion has been brought in on the question of deleting the provision relating to——

DEPUTY PRESIDENT: Are you speaking on the merits or asking for the permission of the Chair?

MR. K. C. ABRAHAM (*Kottayam II*): I am assuming that permission has been granted.

DEPUTY PRESIDENT: Yes.

MR. K. C. ABRAHAM (*Kottayam II*): There are certain joint debtors who are entitled to protection. On that matter, I wish to distinguish between joint Hindu families and Marumakkathayam families on the one hand and other joint debtors on the other. In the case ef the joint Hindu and Marumakkathayam families, the transaction is entered into by the family itself through the manager of the joint Hindu family or the *Karanavan* of the Marumakkathayam *Tarwad* as the case may be. In the case of a joint Christian family—if there is such a thing as that, because, in the case of Christians, they merely live together, each individual being separately interested in his share of the property—, although all are jointly liable for a joint debt, the property of each individual is liable also, I do not see why the provision in the Bill should be made applicable to such cases; because, as I have already pointed out, in a joint Christian family so called, you merely have a number of individuals living together, having properties in common and transacting business, each individual having his own interest in his share of the property and in his share of the profit or loss in such business.

DEPUTY PRESIDENT: The head of a Christian family can even make a disposition of his share of the ancestral family property as he likes, whereas in the case of a joint Hindu family or a Marumakkathayam family that cannot be done.

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MR. K. C. ABRAHAM (*Kottayam II*) : Yes; and a Christian can deal only with his individual property. My point is that, if an individual can deal only with his own property, no protection need be given him. On the other hand if, as in the case of the joint Hindu family, it is open to make the joint family property liable for debts, it is certainly fair to bring such cases within the scope of this Section. Therefore I move that —

> "*In Clause 2, sub-clause (a) (ii), substitute the words "every junior member who as such becomes jointly liable with the Karanavan or Manager who is an agriculturist for the purpose of making the debt incurred binding on the tarwad or joint family" for the words "every person.....surety" in lines 2 and 3.*

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Why not put 'joint Hindu family' instead of 'joint family'?

MR. K. C. ABRAHAM (*Kottayam II*) : I have no objection; I thought it was clear even otherwise.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Why should the word 'junior' be put in there, because some times a junior member may happen to be the *Karanavan* and there may be a member who is senior in age but actually is in the position of an *Anantaravan* ?

DEPUTY PRESIDENT : There is the expression 'junior member who *as such*'; that makes it clear.

MR. N. ABDUR RAHIMAN SAHIB (*Nominated*) : I second it.

MR. N. E. VARUGHESE (*Tiruvalla I*): ഞാൻ ഈ ഭേദഗതിയെ എതിർക്കുന്നു.

DEPUTY PRESIDENT: ഏതു ഭേദഗതിയെയാണ്?

MR. N. E. VARUGHESE (*Tiruvalla II*): മി. എസ്സ്. കൃഷ്ണപിള്ളയുടേയും മി. എബ്രഹാമിന്റേയും ഭേദഗതികളെ എതിർക്കുന്നു.

MR. P. C. KURIYAN (*Kottayam I*) : On a point of order, Sir. Is the House now considering Mr. Krishna Pillai's amendment or Mr. Abraham's amendment or both ?

DEPUTY PRESIDENT : Mr. Kuriyan was present in the House and knows what has happened. All amendments which deal with the same idea will be moved and discussed together.

MR. N. E. VARUGHESE (*Tiruvalla I*): കൂട്ടുബാദ്ധ്യതക്കാരന്റെ ബാദ്ധ്യതയും ജാമ്യക്കാരന്റെ ബാദ്ധ്യതയും രണ്ടുവിധത്തിലുള്ളതാണ്. കൂട്ടുബാധ്യതക്കാരനു വിമോചനം നൽകണമെന്നു ബില്ലിൽ പറഞ്ഞിരിക്കുന്നതോടു ഞാൻ യോജിച്ചില്ല. മി. കൃഷ്ണപിള്ളയുടെ ഭേദഗതി കൂട്ടുബാദ്ധ്യതക്കാരനു സിദ്ധിക്കുന്ന സഹായം ജാമ്യക്കാരനും ഉണ്ടായിരിക്കണമെന്നാണ്. ഈ രണ്ടുബാദ്ധ്യതയും രണ്ടു പ്രധാന തത്വത്തിന്മേൽ സ്ഥിതിചെയ്യുന്നതാണ്. കൂട്ടുബാദ്ധ്യതക്കാരൻ എന്നുള്ള നിലയിൽ

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[Mr. N. E. Varughese.]

പണം കടംവാങ്ങിക്കുന്നതു അ പണം രണ്ടുപേരും വിനിയോഗിക്കുന്നു വെന്നും അതിനു രണ്ടുപേരും ഉത്തരവാദികളാണെന്നുമുള്ള അറിവോടു കൂടിയാണു. ഒരു അധമർണ്ണൻ കടം ആവശ്യപ്പെടുമ്പോൾ അധമർണ്ണനിൽനിന്നും കടം ഈടാക്കുന്നതിനു സാധ്യമല്ലെന്നും ഉത്തമർണ്ണൻ താമസിക്കുന്ന സ്ഥലത്തുള്ള കോടതിയുടെ അധികാരാതൃത്തിക്കകത്തുതന്നെ അധമർണ്ണനും താമസിക്കുന്നില്ലെന്നും മറ്റുമുള്ള പല കാരണങ്ങളാലാണു ജാമ്യക്കാരനെക്കൂടി ചേർത്തു ആ ഉറപ്പോടുകൂടി പണം കടംകൊടുക്കുന്നതു. സാംപത്തികാധഃപ്പതനംകൊണ്ടു സാമാനങ്ങൾക്കു വില കുറഞ്ഞുപോയി എങ്കിലും ഉദ്ദേശപ്രകാരം പണം ഈടാക്കണമെന്നുദ്ദേശിച്ചു കൊണ്ടുവന്നിരിക്കുന്ന ഈ ബില്ലിൽ ഇങ്ങനെയുള്ള വ്യത്യാസങ്ങൾ വരുത്തിക്കൂട്ടുന്നതു തെറ്റാണ്.

MR. P. C. KURIYAN (*Kottayam I*): ജാമ്യക്കാരനെ ആവശ്യപ്പെടുന്നതു് അധമർണ്ണനിൽനിന്നും കടം ഈടാകുകയില്ലാ എന്നു ബോദ്ധ്യപ്പെട്ടതുകൊണ്ടല്ലേ?

MR. N. E. VARUGHESE (*Tiruvalla I*): ജാമ്യക്കാരനെ കൂടാതെ ആദ്യകാലത്തു പണം കടംകൊടുക്കുന്നില്ല. കടക്കാരന്റെ മേൽ ആദ്യം തോന്നിയ സംശയം ഇന്നും നിലവിലിരിക്കുന്നുണ്ടു്. ഉല്പന്നങ്ങളുടെ വിലക്കുറവു് ആദ്യനിലക്കു യാതൊരു വ്യത്യാസവും ജാമ്യബാദ്ധ്യതക്കാരനെ സംബന്ധിച്ചിടത്തോളം വരുത്തുന്നില്ല. ജാമ്യക്കാരനെയും ഒഴിവാക്കിയാൽ അധമർണ്ണനെ മേലാൽ പണം കടംകിട്ടുന്നതിനു പ്രയാസമായിതീരുന്നതാണ്.

MR. R. KAMAN PILLAI (*Chenganachery cum Peermade II*): ജാമ്യക്കാരനെ ഒഴിവാക്കിയിരിക്കുന്നു എന്നു ഇതിൽ കാണുന്നില്ല.

DEPUTY PRESIDENT: അങ്ങനെയായിരിക്കാം മെമ്പർ വിചാരിക്കുന്നതു്.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I oppose the amendment brought forward by Mr. Puthupalli S. Krishna Pillai.

That the agriculturist must be given some protection in regard to the recovery of debts due from him is a proposition which I assume has been accepted by the House, whatever may be the reason for it. Now the question arises as to whether persons who have, jointly with the agriculturist, undertaken liabilities should be given protection under this Bill. Under the Bill, when the creditor seeks to recover his money, if the debtor happens to be an agriculturist, recovery may be delayed or the full amount may not be recovered. Therefore, naturally, the creditor will seek to proceed against the person jointly liable with the agriculturist.

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When the law is passed, so far as the agriculturist is concerned, there will be a chance of the amount due from him being reduced or being recovered from him only in course of time. Then the question will arise whether the creditor will not proceed against the joint debtors including the sureties. The joint debtors or the sureties will say—the law says that the agriculturist shall not pay or pay only in instalments. That impairs our rights against the principal debtor and we will not be able to proceed against the agriculturist debtor because he is an agriculturist and he will be given protection under the law, and the creditor will recover the full sum from the joint debtors or sureties. In this connection, the cases that were considered by the committee were cases where in a joint Hindu family or a Marumakkathayam *Tarwad* the *Karanavan* and the junior members executed a bond and the junior members associated themselves with the *Karanavan* not with the intention of making themselves personally liable but with the intention of making the debt binding upon the *Tarwad*.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): May I know whether the Law Member is making a general statement that all junior members of a *Tarwad* associate with the *Karanavan* in executing the bond only to make the *Tarwad* liable?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It may be taken as a general statement. *As a rule*, when a junior member joins the *Karanavan* in a bond executed for *Tarwad* purposes, he associates himself not with a view to make himself personally liable for the debt but to make the *Tarwad* liable. It may be that he is personally liable under the law but the intention is that the *Tarwad* should be bound by the transaction. Therefore the position is this. The agriculturist is protected and the creditor would proceed against the joint debtor and the sureties for his money. They want in their turn protection from being proceeded against by the creditor because their rights against the agriculturist principal debtor are impaired. The principle underlying the clause as it stands is that the intention should be given effect to and the junior members who joined the *Karanavan* should be protected because the intention was that the money should not be recovered from them personally. In regard to the sureties on the other hand, the intention was that they should be liable personally; and as Mr. Varughese put it, the money was evidently advanced in most cases on the assurance that there was the surety to guarantee the debt. It may be that an agriculturist wants to borrow money and the creditor may not be prepared to lend him any money if there was no surety. So, when he advanced the money on the definite assurance that there is a surety, it will not be fair that the creditor should be deprived of his right to proceed against the surety. Therefore the clause provides that, so far as the joint debtors are concerned, those who really became parties to the document for the purpose of giving validity to it may be treated as agriculturists. The clause

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[Mr. Kayalam Paramesvaran Pillai.]

is trying to carry out the real intention of the parties. In the case of joint debtors for debts incurred for *Tarwad* purposes, there is no intention of their being personally liable. Therefore, the clause says that the junior members should be treated as agriculturists. But in the case of a surety, the real intention was that he should pay the money when the other man failed to pay. Therefore, the intention is that he should be made liable and hence the surety is not treated as an agriculturist.

MR. P. C. KURIYAN (*Kottayam II*): Am I to understand that it is the defect of the Marumakkathayam Law?

DEPUTY PRESIDENT: That question does not arise.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then Mr. Krishna Pillai asked:—Do you not impair the rights of the sureties to proceed against the agriculturist debtor? Yes, we do. On general principles of equity and justice, when a surety's rights against the principal debtor are impaired, he must also be given some protection. I grant it: but in such an event the result will be that the creditor will not be able to recover his money from the surety. By this Bill the agriculturist *will be* given protection. Then there are two people to suffer—the creditor and the surety. If the surety is an agriculturist, the creditor will certainly have to suffer. But if he is not an agriculturist, the question will arise as to who should suffer. Here are two innocent people, the creditor on the one hand and the surety on the other, one of whom must suffer, that the agriculturist debtor must be given protection being taken to be an accepted position. As between the creditor and the surety, there is not much to choose. Therefore we carry out the intention of the parties and leave them to the law as it is.

MR. P. C. KURIYAN (*Kottayam II*): May I know whether the provisions of the Bill are not such as to make the creditor suffer?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Yes, to some extent, namely the payments to him may be delayed, or sometimes the interest due on the principal may be reduced. So then, as I said, the intention is sought to be given effect to by the clause. There may be a difference of opinion in regard to the principle involved in the clause and I would say that, if any amendment is to be accepted, I would rather accept the deletion of the whole clause because I am not prepared to accept the position that the surety should be protected. Such a provision is dangerous because it goes against the intention of the parties on which the money was advanced, *viz.*, that the surety must repay the money in full and there is no reason why that intention should be departed from.

I would say a word in regard to Mr. Abraham's amendment. No doubt, it carries out literally and accurately the reasons stated in the report of the Select Committee. I am prepared therefore to accept the amendment, but I doubt whether there may not be other cases also wherein people may not have associated with the principal debtor for

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similar reasons. That is why the clause was drafted in a general way. But I am prepared to take the verdict of the House upon it and I am prepared to vote for Mr. Abraham's amendment.

Mr. Puthupalli S. Krishna Pillai's amendment was put to vote and declared lost.

Mr. K. C. Abraham's amendment was next put to vote and was declared carried.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I demand a poll.

A poll was taken with the following results :—

AYES—22.

1.	Mr. K. C. Abraham	13.	Rao Bahadur Dr. N. Kunjan Pillai
2.	,, N. Abdur Rahiman Sahib	14.	Mr. T. C. Thommen
3.	,, T. K. Alexander	15.	,, K. N. Kesava Pillai
4.	,, A. Thanu Pillai	16.	,, C. V. Chandrasekharan
5.	,, John Whitely Tolson	17.	,, R. Dhanukoti Pillai
6.	,, T. T. Kesava : Sastri	18.	,, Kayalam Paramesvaran Pillai
7.	,, K. M. Krishnan	19.	,, K. George
8.	,, T. Krishna Pillai	20.	,, R. Pitchu Aiyangar
9.	,, E. K. Kunjuraman	21.	,, M. Govinda Pillai
10.	,, K. M. Kuriakose	22.	Mrs. M. Poonen Lukose
11.	,, K. Madhavan		
12.	,, K. Sankaran		

NOES—15.

1.	Mr. M. Mahomed Hancef	10	Mr. A. Easwara Pillai (*Kalkulam II*)
2	,, T. C. Joseph	11.	,, R. Sivaraman Nair
3.	,, P. C. Kuriyan	12.	, Kainikkara M. Padmanabha Pillai
4.	,, N. E. Varughese	13.	,, Edavanatt S. Padmanabha Menon
5.	,, R. Raman Pillai	14.	,, G. Nilakantan
6.	,, Puthupalli S. Krishna Pillai	15.	,, T. P. Velayudhan Pillai
7.	,, A. S. Damodaran Asan		
8.	,, Pacode A. Narayan Pillai		
9.	,, N. K. Krishna Pillai		

NEUTRALS 13.

1.	Mr. V. T. Chacko	7.	Mr. K. R. Elenkath
2.	,, P. C. Narayanan Bhattatiripad	8.	,, S. Thiraviam Nadar
3.	,, K. P. Krishna Menon	9.	,, R. Sambasiva Aiyar
4.	,, T. S. Jayantan Nampootiri	10.	,, K. Padmanabhan
5.	,, S. Chattanatha Karayalar	11.	,, P. K. Thomas
6.	,, Antony George	12.	,, V. Ramakrishna Panickar
		13.	,, M. K. Madhavan Pillai

The amendment was declared carried.

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MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I move the following amendment:—

"In Clause 2, sub-clause (a) (ii), delete the words "and every person .....non-agriculturist" occurring after the words "agriculture."

I want all words after "agriculture" to disappear, whatever the words are.

DEPUTY PRESIDENT: As amended the sub-clause will read as follows:

"(ii) who earns his livelihood as a village menial paid in cash or in kind for work connected with the agriculture".

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): Yes, Sir.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): I rise to a point of order. When it was said that the clause as proposed to be amended by Mr. Abraham might be substituted in the place of the original clause—

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That covers only a portion of the clause.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): When Mr. Abraham moved his amendment, Mr. Sambasiva Aiyar had no objection to it and he remained neutral.

DEPUTY PRESIDENT: I hold that there is no estoppel.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): My amendment is as follows:

In Clause 2, sub-clause (a) (ii), delete the words "and every person .....non-agriculturist" occurring after the word "agriculture".

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): I rise to a point of order. The House has accepted Mr. Abraham's amendment. Mr. Sambasiva Aiyar's amendment now proposed, is that the whole portion should be deleted, that is to say, even that which has been accepted by the House will have to be deleted. I ask whether the member is entitled to touch one word of what we have said shall form part of the Bill. I ask whether it will not be leading us to an absurdity if we delete this portion.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I said already, a deletion amendment is usually made first. As matters have occurred in the present instance, Mr. Sambasiva Aiyar appears to have technically a right to move his amendment.

DEPUTY PRESIDENT: Is there any rule which prevents that?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): The Law Member may be called upon to answer that. My question is whether it will not amount to an irregularity. Rule 66 of the *Assembly Manual* says that "a motion must not raise a question substantially identical with the one on which the Assembly has given a decision in the same session". Sir, what I submit is that the learned Law Member himself conceded that it will be an irregularity and that we will be incompetent to

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do it. Nevertheless, he said that it was given on the understanding that it is likely to be knocked off. I have my own doubt about it.

DEPUTY PRESIDENT : According to you, is there any identity between the motion which was accepted and the motion which is now made ?

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): The two are substantially identical.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The *operative* portion of that clause says that certain persons will be deemed to be agriculturists. On that portion, we have not given any decision. Mr. Sambasiva Aiyar's amendment is to the effect that even the people covered by Mr. Abraham's amendment should not be treated as agriculturists.

DEPUTY PRESIDENT : The point raised is not a very difficult one. Rule 66 contemplates a motion which is substantially identical to the one on which the Assembly has given a decision. Substantial identity is a question on which legitimately there may be two opinions. But, to the best of my thinking, there is no substantial identity. Secondly, there is the fact that some time earlier in the day when the point arose, the mover of the Bill, the Law Member, suggested that for convenience in argument a number of motions may be considered together to enable the House to pronounce its opinion upon the substantial point in issue. At that time the Chair pointed out that after these motions covering lesser ground are dealt with, the motion for the deletion of the whole clause by Mr. Padmanabhan may be taken up and proceeded with. The House has difficulty to vote upon this question. Further, the question that has been already decided upon is different from the main question contemplated in this amendment. Therefore, I am of opinion that the amendment is in order.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*) : Sir, my submission is that this set of constructive agriculturists should not be allowed this concession. This Bill is intended to give relief to real and genuine agriculturists. Here is a sort of imitation agriculturists. By a sort of roundabout method, they also have been allowed to escape, as Mr. Kuriyan said. I do not see why any concession should be given to them at all. I do not see how the State is affected by those people being also included. The Law Member was suggesting that the surety should in no event be allowed to escape, because, as between the debtor and the surety, the State wants the surety to be bound by the contract.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I wish to correct the member. What I said is that between the creditor and the surety the matter should be left to the ordinary law.

MR. R. SAMBASIVA AIYER (*Kunnatnad II*) : Why should the surety be included if, as a matter of fact, he has not been personally benefited?

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It is only because he is not an agriculturist. Why should you go behind the registered document where they say they will be liable personally and then find out what the real intention is and then say that they are agriculturists though they are not agriculturists? My submission is that it is quite unnecessary. This provision was not contained in the original Bill. It was introduced by the Select Committee. My submission is that we have no business to go behind what appears on the face of the documents. We need give these advantages only to the agriculturists. As between the agriculturists and the others, we prefer the agriculturists. They are the pets of the State. Therefore, they should be protected. But in this case no agriculturist loses. Why should we say that non-agriculturists should also be benefited? My submission is that there is nothing which obliges us to do so.

MR. P. C. KURIYAN (*Kottayam I*): I second the amendment. I do so especially in view of the amendment which has been accepted by the House. As Mr. Sambasiva Aiyar put it, somebody must suffer; and if at all any man should suffer, it is the debtor. The Law Member said that there was no intention of making the junior member liable. If the question of intention is taken into consideration there was no intention of asking the surety to pay. If the House is prepared to bring in people who are not agriculturists in their own capacity, as Mr. Sambasiva Aiyar said by construction, that privilege should be given to all those who have suffered on account of the economic depression. I have no particular passion for either of them. Whoever has got into difficulties must be given relief.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the motion. When dealing with the amendments of Mr. Puthupalli Krishna Pillai and Mr. Abraham, I have stated the purpose of this clause and I shall not repeat those arguments. I shall, however, add that the arguments on which Mr. Sambasiva Aiyar based his amendment have no bearing on the clause as it stands. The clause as amended by Mr. Abraham is as follows:—

> "Every junior member who as such becomes jointly liable with the *Karanavan* or Manager who is an agriculturist *for the purpose of making the debt* incurred binding on the *Tarwad* or joint family shall be deemed to be an agriculturist etc."

So that the only person who is deemed to be an agriculturist is he who becomes jointly liable with the *Karavanan* for the purpose of making the debt binding on the *Tarwad*. In such cases, it has to be presumed that it is not intended to make him jointly liable. In view of that amendment, it seems to me that the objection raised by Mr. Sambasiva Aiyar cannot hold good.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*): Sir, there is another reason why this amendment should not be accepted. The amendment says that all the words from "every person" should be deleted. But those words do not exist now. In the place of those words we have other words. This clause which is proposed to be deleted does not exist in the Bill. There is no fun in saying that those words should be removed. I, therefore, oppose the amendment.

The amendment was put and declared lost.

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MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I move the following amendment:—

In Clause 2, substitute the following for the Explanatiton:—

"Exception (i). A person who lives on rent and follows some other calling in life than agriculture, shall not be deemed to be an agriculturist and re-number the present Exception as (ii) and add the following as further Exception—

"Exception (iii). A person who exaggregates annual income from all sources exceeds Rupees one thousand shall in no event be deemed to be an agriculturist".

The idea underlying this amendment is that no person who does not himself attend to agriculture will be given the benefit of this Regulation. For instance, a man may be a Vakil practising in Trivandrum, taking interest in politics, and having his interest entirely in the town. He may be an absentee land-lord. But it may be that he gets some income out of lands in Quilon or Parur. He may have incurred debts here. Why should this concession be given to him merely because he is the owner of some lands? Though his means are met by the rent he gets from his property, his calling in life is something different from agriculture. He is an absentee land-lord. He does not take any interest in agriculture. My submission is that he should not be considered as an agriculturist for the purpose of this Regulation. I have made this clear in Exception (i) which I have moved.

Exception (ii) remains.

I have moved a third Exception. There I raise the question whether the benefits extended to the debtor should be given to large land-holders or only to middle class people. We know that in Travancore the income of persons is very low. Persons with large estates may be indebted. My view is that it is not the duty of the State to help them.

MR. P. C. KURIYAN (*Kottayam I*): May I ask why they should not be protected?

MR. R. SAMBASIVA AIYAR (*Knnnatnad II*): The duty of the State is only to help the peasantry who take interest in agriculture and follow the vocation of agriculture. We can take it that there will be only a few persons whose aggregate annual income exceeds Rs. 1,000.

MR. A. S. DAMODARAN ASAN (*Mavelikara*): Is the member of opinion that, even if the whole income is from agricultural pursuits, no relief should be given because the person is resident in Trivandrum.

MR. R. SAMBASIVA AIYAR (*Knnnatnad II*): Yes, that is my intention, if he has some other calling in life. There is another aspect to the matter. It will be possible for the State to solve this problem by cash payment if the amounts are small. The State can undertake the liablity. It will be convenient for the State to do so and we can make provision for this purpose in the Bill.

MR. P. C. KURIYAN (*Kottayam I*): Is there any undertaking like that?

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MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): There is no undertaking. What I say is that the State can undertake it if the amounts are manageable. In Mysore and other parts of India—

MR. P. C. KURIYAN (*Kottayam I*): Is the honourable member competent to speak on behalf of the State?

DEPUTY PRESIDENT: The honourable member who puts the question himself knows that Mr. Sambasiva Aiyar is a non-official member and that he is not expected to speak on behalf of the State.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): I believe in Mysore they have got a provision like that. Some sort of limit should be placed. I have put it at Rs. 1,000. If the matter is put to vote, I request the Chair to put the two parts separately.

DEPUTY PRESIDENT: This is not the time for making that request.

MR. K. P. KRISHNA MENON (*Parur*): I second the amendment.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I oppose the amendment. In regard to the first portion of the amendment, I wish to say that it is against principle to say that a person who mainly lives by agriculture should not be treated as an agriculturist if the source of his livelihood is rent and if he follows some other calling. That proposal cannot be accepted. The income from agriculture may not be enough for him. He may also be a banker or a trader. Then again suppose a man conveys lands by giving them out on *pathivaram*. Is that rent? Landowners very often enjoy land by leasing out, and such lessors take interest in their lands and in the cultivation of their lands. Are such lessors to be included?

Then on the second point, namely putting a limitation on the income. No doubt that may be sound in principle. But, surely that is not practicable and it is quite unnecessary too having regard to Travancore conditions. In Travancore there are not many agriculturists who have got an income of more than a thousand rupees. The bulk of the agricultural debtors, so far as I have been able to know and the Debt Redemption Committee has been able to ascertain, are people who get less than Rs. 1,000 income. Therefore by making this amendment we are not excluding many people. Morever it will be very difficult to ascertain a person's income and the result of any investigation may not be satisfactory. Practically speaking it may lead to much hardship and a person who really deserves protection may be excluded.

The amendment was put to vote and declared lost.

MR. K. R. ELENKATH (*Kalkulam I*): I beg to move the following amendment:—

"*In Clause 2, delete sub-clause (c), and re-number the remaining sub-clauses (d) and (e) as (c) and (d)*",

Originally when the Bill was discussed in this House, the idea was to form Conciliation Boards. But when it went to the Select Committee, they decided not to form Boards but to appoint a single officer. I quite approve of that idea, but I think it is proper that the word 'Board'

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be substituted by the words 'Conciliation Officer'. When we speak of a Board, the implication generally is that there are more members than one. Not that there cannot be a Board with one member only but it is definitely decided that it shall be composed of only a single officer. As such, I do not see the propriety in retaining the word 'board' when there is only one officer.

DEPUTY PRESIDENT : Your amendment is that in Clause 2, delete sub-clause (*c*), and re-number the remaining sub-clauses (*d*), and (*e*) as (*c*) and (*d*). The word 'Conciliation Officer' does not appear there.

MR. K. R. ELENKATH (*Kalkulam I*) : It will appear in my subsequent amendments.

DEPUTY PRESIDENT : The motion that you have tabled is that, in Clause 2, delete sub-clause (*c*). In sub-clause (*c*) 'Board' means a Debt Conciliation Board established under the provisions of this Regulation. If you delete that without giving some substitute, then the Regulation cannot work.

MR. K. R. ELENKATH (*Kalkulam I*) : I have tabled another amendment that wherever the word 'Board' occurs the words "conciliation officer" may be substituted.

DEPUTY PRESIDENT : So your amendment is not merely that the word 'Board' be omitted, but after omitting that, the words 'Conciliation Officer' be put in. I have no objection to allow it. So what is your amendment in its final form ?

MR. K. R. ELENKATH (*Kalkulam I*) : It is as follows :—

"In clause 2, sub clause (c) substitute the words "conciliation officer" for the word "Board" and the words "officer appointed" for the words "Bovrd established".

Conciliation Officer means an officer appointed by the Government under this Regulation.

MR. PACODE A. NARAYANA PILLAI (*Vilavankod*) : I oppose it.

DEPUTY PRESIDENT : Before he moves, how can you oppose it ?

MR. PACODE A. NARAYANA PILLAI (*Vilavankode*) : I rise to a point of order. This amendment anticipates something which is yet to come for discussion. It is an anticipatory amendment.

DEPUTY PRESIDENT : Except the wards 'anticipatory amendment' I do not see anything in your point of order. Mr. Elenkath is quite in order.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Amendment No. 18 standing against my name is an identical amendment to the one now sought to be moved by Mr. Elenkath.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I may not have serious objections to accept Mr. Krishna Pillai's amendment subject to certain conditions.

DEPUTY PRESIDENT : Mr. Krishna Pillai's amendment No. 18 reads thus :—

"Conciliation officer means an officer appointed by our Government for the purpose of conciliating debts under the provisions of this Regulation".

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[Deputy President.]

Then there is the amendment of Mr. Sankaran to substitute the word 'Court' for the word 'Board' wherever it occurs.

Now Mr. Elenkath wanted the omission of the word 'Board' and he prayed that special permission may be givin to him to insert the words 'Conciliation officer'. No doubt, if Mr. Krishna Pillai or anybody else had mentioned the fact that he intended to make his motion in time I might have thought differently. Merely because a motion is tabled, it does not mean that the member will actually move it. What passes here is considered very carefully and we are doing business expeditiously. I have given permission to Mr. Elankath to move his amendment for the omission of the word 'Board' and the substitution of the words 'Conciliation officer'. And he has made his motion.

MR. K. SANKARAN (*Kartikapalli II*): He wants to make a further amendment to amendment No. 15. They are exactly identical motions; Nos. 16 and 17. If he does not move amendment No. 15, why not allow amendments Nos. 16 and 17?

MR. R. SAMBASIVA IYER (*Kunnatnad II*): Amendment No. 16 is for the deletion of the whole sub-clause. There are other amendments, Nos 14 and 15 for the deletion of the whole of Part II. If that is accepted, then this amendment will be unnecessary. I am just submitting this for the consideration of the Chair.

DEPUTY PRESIDENT: I must make it clear and distinct that merely because the names of particular members appear in the list of business and some motions stand against their names, I cannot take it as conclusive proof that all those amendments will be moved; for, our experience points in different direction. Various members have declined to make the motions which they themselves have tabled, and when a member asks for permission to omit a wording of a motion on the merits that permission is given. So that in this particular case when Mr. Elenkath asked for permission, if Mr. Padmanabhan or Mr. Sambasiva Aiyar or anybody else had stood up and placed the matter before the Chair, possibly all those could have been considered. In this case there is no disadvantage of any character and the omission on the part of honourable members who have now stood up, who ought to have stood up and put what they thought to say before the House at the proper time, is also to be taken along with this fact. Permission has already been given to Mr. Elenkath and the motion has been made. Therefore, the only point now before me is to call upon such members as are willing to speak either in favour or against the amendment.

MR. R. SAMBASIVA AIYAR (*Kunnatnad II*): May I know whether we will not be allowed to move amendments Nos. 16 and 17?

DEPUTY PRESIDENT: That will be considered in its proper time. Now there is a motion before the House. I am not going to give a ruling on a hypothetical question.

MR. K. R. ELENKATH (*Kalkulam I*): 'Conciliation officer' means an officer appointed by our Government for the purpose of conciliating debts.

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MR. R. SIVARAMAN NAIR (*Tiruvalla II*) : I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : Motion No. 18 standing against my name is identical with this motion. My reason for moving that the word 'Board' be deleted and the words "conciliation officer" be substituted is this. The Bill as it originally stood did necessarily require the definition of the word 'Board'.

DEPUTY PRESIDENT : It is not your motion, Mr. Krishna Pillai. You may make the motion which you contemplated to make. The motion before the House is by Mr. Elenkath and now you are speaking on Mr. Elenkath's motion.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Quilon II*) : His motion is identical with my motion. (*Laughter*) Whenever I refer to it as my motion, it may be treated as the motion before the House.

DEPUTY PRESIDENT : The House will now adjourn and meet again tomorrow at 11 o' clock.

The House adjourned at 5·2 P. M.

K. MADHAVA KURUP,
Secretary to the Sri Mulam Assembly.

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